



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, DARLING STREET, WENTWORTH**, commencing at **4:00PM**.

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

24 JUNE 2026

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1 OPENING OF MEETING

The Mayor requests that the General Manager makes announcements regarding the live-streaming of the meeting.

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

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.

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 13 May 2026 be confirmed as circulated.



ORDINARY MEETING MINUTES

13 MAY 2026

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 4:05pm

2 PRAYER OR ACKNOWLEDGEMENT OF COUNTRY

PRESENT:

COUNCILLORS: Councillor Daniel Linklater
Councillor Jon Armstrong
Councillor Brian Beaumont
Councillor Peter Crisp
Councillor Greg Evans
Councillor Susan Nichols
Councillor Jo Rodda
Councillor Jody Starick

STAFF: Ken Ross (General Manager)
Geoff Gunn (Director Roads and Engineering)
Simon Rule (Director Finance and Policy)
Ebony Carter (Acting Executive Assistant to General Manager)
Jamie-Lee Kelly (Acting Business Support Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Council Resolution

That Council grants the Leave of Absence Request from Councillor Beaumont from the 6 June to 9 July 2026

Moved Cr. Rodda, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

4 DISCLOSURES OF INTERESTS

Councillor Nichols advised that she had a non-pecuniary and less than significant interest in item 9.9 as she is a life member of the Wentworth Bowling Club

Councillor Brian Beaumont advised that he had a non-pecuniary and less than significant interest in item 9.8 as he is a board member of the Wentworth District Community Medical Centre Charity.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 15 April 2026 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 15 April 2026 be confirmed as circulated.

Moved Cr. Rodda, Seconded Cr. Evans

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 STATUS REPORT ON PREVIOUS COUNCIL RESOLUTIONS AS 13 MAY 2026

File Number: RPT/26/188

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

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

The Status Report on previous Council Resolutions provides details of actions that remain outstanding.

Officer Recommendation

That Council notes the list of outstanding action items for Council Resolutions as at 13 May 2026.

Council Resolution

That Council notes the list of outstanding action items for Council Resolutions as at 13 May 2026.

Moved Cr. Crisp, Seconded Cr. Starick

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT MAY 2026

File Number: RPT/26/187

Recommendation

That Council receives and notes the information contained in the Mayoral report for April 2026.

Council Resolution

Council Resolution That Council receives and notes the information contained in the Mayoral report for April 2026.

Moved Cr. Linklater, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

8.1 HERITAGE AND HISTORY ADVISORY COMMITTEE MEETING

File Number: RPT/26/189

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - Business Support Officer

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

Strategy: 4.4 Manage public resources responsibly and efficiently for the benefit of the community

Summary

A meeting of the Heritage and History Advisory Committee was held on 20 April 2026 and the Minutes of the meeting are attached to this report for the information of Councillors.

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

Item 7.1 PS Ruby

Officer Recommendation

The Committee recommends:

That Council resolves to prepare the PS Ruby for static display and costs borne by Wentworth Shire Council are supplemented by grant funding through funding bodies appropriate to PS Rubys future preservation.

Council Resolution

That Council resolves to construct a plan to prepare the PS Ruby for static display and costs borne by Wentworth Shire Council are supplemented by grant funding through funding bodies appropriate to PS Rubys future preservation.

Moved Cr. Starick, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

Councillor Nichols acknowledged the passing of Mr Tony Bruce Mullins. Tony was one of the original people to put his hand up for the Heritage and History Committee, he was also a member of numerous other organisations and committees including the Historical Society and the Wentworth Bowling Club and the work he has done within the Wentworth Shire Council in a short amount of time has been remarkable. Councillor Nichols on behalf of Wentworth Shire Council recognised the work that Mr Tony Bruce Mullins has done for the committees.

9 Reports to Council

9.1 GENERAL MANAGERS REPORT MAY 2026

File Number: RPT/26/186

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - Business Support Officer

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

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

1. OLG Circulars

Nil

2. Meetings

As listed.

3. Upcoming meetings or events

As listed.

4. Other items of note

The Lower Western zone Bush Fire management committee has compiled and approved for public exhibition the Lower Western Bush Fire Management. This plan is an important tool for helping land managers across our region to understand the bushfire risk and to implement plans and controls to minimise the impact of bushfires. This plan is now available for public display online, or in person at the Wentworth and Balranald shire offices and the Lower Western Zone Fire Control centre in Dareton until the 22 of June 2026.

Recommendation

That Council receive and note the information contained within the May 2026 report from the General Manager.

Council Resolution

That Council receive and note the information contained within the May 2026 report from the General Manager.

Moved Cr. Rodda, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

9.2 MURRAY DARLING ASSOCIATION CONFERENCE

File Number: RPT/26/224

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ebony Carter - Business Support Officer

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

Summary

The Annual Murray Darling Association's National Conference and Annual General Meeting is being held from the 24 August 2026 - 27 August 2026 in Shepparton VIC. The focus of this year's national conference is 'Working together for our Basin future'. Traditionally Council nominates representatives to attend the Murray Darling Association Conference.

Recommendation

That Council nominates representatives to attend the Murray Darling Association National Conference and Annual General Meeting from 24 August 2026 - 27 August 2026 in Shepparton VIC.

Council Resolution

That Council nominates representatives to attend the Murray Darling Association National Conference and Annual General Meeting from 24 August 2026 - 27 August 2026 in Shepparton VIC.

Moved Cr. Rodda, Seconded Cr. Starick

CARRIED UNANIMOUSLY

9.3 COMMUNITY BANK WENTWORTH & DISTRICT SKIN CANCER TRUCK FUNDING ASSISTANCE

File Number: RPT/26/227

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

Objective: 2.0 Wentworth Shire is a great place to live
Strategy: 2.2 Work together to solve a range of social and health issues that impact community wellbeing and vulnerable people

Summary

Council has received a request from the Community Bank Wentworth & District to assist in bringing the Mildura Base Public Hospital Foundation Skin Check Truck to the Wentworth Shire in late 2026 / early 2027.

The cost to bring the truck to the region is \$33,000 (Inc GST) and will be split evenly between the Community Bank Wentworth & District, the Coomealla Memorial Sporting Club and Council. The Community Bank Wentworth & District and Coomealla Memorial Sporting Club have both confirmed they have approval to fund 1/3 of the cost from their boards.

Should Council approve the request funds will need to be allocated to the 2026/2027 budget to cover the contribution.

Recommendation

That Council approve expenditure of \$11,000 (inc GST), one third of the cost to bring the Mildura Base Public Hospital Foundation Skin Check Truck to the Wentworth region.

Council Resolution

That Council approve expenditure of \$11,000 (inc GST), one third of the cost to bring the Mildura Base Public Hospital Foundation Skin Check Truck to the Wentworth region.

Moved Cr. Nichols, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

9.4 MONTHLY FINANCE REPORT - APRIL 2026

File Number: RPT/26/221

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Vanessa Lock - Finance Officer

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

Strategy: 4.1 A well engaged and informed community

Summary

Rates and Charges collections for the month of April 2026 were \$378,586.76. After allowing for pensioner subsidies, the total levies collected are now 79.87%. For comparison purposes 80.03% of the levy had been collected at the end of March 2025. Council currently has \$32,863,046.49 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report for April 2026.

Council Resolution

That Council receives and notes the Monthly Finance Report for April 2026.

Moved Cr. Starick, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.5 MONTHLY INVESTMENT REPORT - APRIL 2026

File Number: RPT/26/236

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Ned Lamond - Financial Services Coordinator

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

Strategy: 4.4 Manage public resources responsibly and efficiently for the benefit of the community

Summary

As of 30 April 2026, Council had \$29 million invested in term deposits and fixed bonds with \$3,863,046.49 in other cash investments. Council received \$105,469.07 from its investments for the month of April 2026.

In April 2026 Council investments averaged a rate of return of 3.89% and it currently has \$4,463,128.89 of internal restrictions and \$27,864,056.91 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report for April 2026.

Council Resolution

That Council receives and notes the monthly investment report for April 2026.

Moved Cr. Armstrong, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.6 QUARTERLY BUDGET REVIEW STATEMENTS

File Number: RPT/26/208

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Report Author: Simon Rule - Director Corporate Services
Ned Lamond - Financial Services Coordinator

Summary

The March Quarterly Budget Review Statement (QBRs) has been prepared in accordance with the NSW Office of Local Government's 2024-2025 Quarterly Budget Review Guidelines. The updated framework aims to improve transparency, consistency, and alignment with the Integrated Planning and Reporting principles.

The March QBRs provides a comprehensive review of Council's financial performance and budget position for the quarter ended 31 March 2026, including

- A detailed analysis of operating performance, including key variations in income and expenditure
- Reporting of capital works progress and associated funding sources
- Updated information on cash and investments, developer contributions, and loan balances; and
- A summary of budget variations exceeding the $\pm 10\%$ or \$50,000 materiality threshold

While the new QBRs format no longer includes financial Key Performance Indicator (KPI)'s, Council notes that the OLG is currently reviewing the financial and sustainability ratios used across the sector. At this stage, Council's priority is to bed down the requirements of the revised guidelines. The reintroduction of the previous suite of KPI's will be considered as part of future reporting.

Consistent with the updated reporting requirements, once this QBRs is formally tabled at the May Council Meeting, a copy of the report and its attachments will be published on Council's website to ensure transparency and public accountability.

Recommendation

That the Committee:

- a) Receive and note the March 2026 Quarterly Budget Review Statement
- b) Approve the required quarterly variations

Council Resolution

That the Committee:

- a) Receive and note the March 2026 Quarterly Budget Review Statement
- b) Approve the required quarterly variations

Moved Cr. Rodda, Seconded Cr. Starick

CARRIED UNANIMOUSLY

9.7 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT

File Number: RPT/26/210

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Simon Rule - Director Corporate Services

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

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

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

New Actions

- 3.5.9 – Land Purchase Buronga.

Completed actions

- 2.4.3 – Open Spaces Development
- 2.4.6 – Greater Darling Junction Viewing Platform
- 3.2.13 – Wentworth Depot Upgrade

Recommendation

That Council notes the report

Council Resolution

That Council notes the report

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.8 DRAFT 2026/2027 - OPERATIONAL PLAN - ENDORSEMENT FOR PUBLIC EXHIBITION

File Number:	RPT/26/200
Responsible Officer:	Simon Rule - Director Corporate Services
Responsible Division:	Corporate Services
Reporting Officer:	Simon Rule - Director Corporate Services
Objective:	4.0 Wentworth Shire is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner
Strategy:	4.4 Manage public resources responsibly and efficiently for the benefit of the community

Summary

In accordance with the *Local Government Act 1993 (NSW)* (the Act), Council must have an annual Operational Plan adopted for each financial year, outlining the activities to be undertaken in that year, to achieve the commitments outlined in the Delivery Program.

The Operational Plan also includes the Statement of Council Revenue Policy and the Annual Fees and Charges in accordance with the Regulations.

Council is being asked to endorse the draft 2026/2027 Operational Plan for public exhibition. During the exhibition period the public are invited to provide feedback into the actions to be undertaken within the financial year. Public submissions are also invited on the proposed Rates and Annual Charges, as outlined in the Annual Statement of Revenue, and the Annual Fees and Charges.

The final version of all documents, together with all feedback received, will be presented to Council on the 24 June 2026.

Recommendation

That Council approve the draft 2026/2027 Operational Plan to be placed on public exhibition.

That Council gives notice of its intention to adopt the following rates and annual changes, which are contained within the draft 2026/2027 Operational Plan:

- To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
- To increase the Ordinary Rate by the maximum 3.20% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
- To increase waste water access charges by 3.20%;
- To increase raw and filtered water access charges by 3.20%;
- To increase water consumption charges by 3.20%;
- To increase domestic waste charges in line with the provision of new waste services

- To levy the fees and charges established in Part B of the Annual Statement of Revenue; and
- To charge the maximum interest on overdue rates and charges as determined by the Minister for local Government.

Motion

That Council approve the draft 2026/2027 Operational Plan to be placed on public exhibition.

That Council gives notice of its intention to adopt the following rates and annual changes, which are contained within the draft 2026/2027 Operational Plan:

- To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
- To increase the Ordinary Rate by the maximum 3.20% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
- To increase waste water access charges by 4.20%;
- To increase raw and filtered water access charges by 4.20%;
- To increase water consumption charges by 4.20%;
- To increase domestic waste charges in line with the provision of new waste services
- To levy the fees and charges established in Part B of the Annual Statement of Revenue; and
- To charge the maximum interest on overdue rates and charges as determined by the Minister for local Government.

Moved Cr. Armstrong, Seconded Cr. Crisp

Amendment

That Council approve the draft 2026/2027 Operational Plan to be placed on public exhibition.

That Council gives notice of its intention to adopt the following rates and annual changes, which are contained within the draft 2026/2027 Operational Plan:

- To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
- To increase the Ordinary Rate by the maximum 3.20% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
- To increase waste water access charges by 3.70%;
- To increase raw and filtered water access charges by 3.70%;
- To increase water consumption charges by 3.70%;

- To increase domestic waste charges in line with the provision of new waste services
- To levy the fees and charges established in Part B of the Annual Statement of Revenue; and
- To charge the maximum interest on overdue rates and charges as determined by the Minister for local Government.

Moved Cr. Beaumont, Seconded Cr. Rodda

CARRIED

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

Against the Motion: ***Clr.s Armstrong, Crisp and Starick.***

Council Resolution

That Council approve the draft 2026/2027 Operational Plan to be placed on public exhibition.

That Council gives notice of its intention to adopt the following rates and annual changes, which are contained within the draft 2026/2027 Operational Plan:

- To make and levy an Ordinary Rate to comprise of a base rate and an ad valorem rating structure for residential, business and farmland categories of rates;
- To increase the Ordinary Rate by the maximum 3.20% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
- To increase waste water access charges by 3.70%;
- To increase raw and filtered water access charges by 3.70%;
- To increase water consumption charges by 3.70%;
- To increase domestic waste charges in line with the provision of new waste services
- To levy the fees and charges established in Part B of the Annual Statement of Revenue; and
- To charge the maximum interest on overdue rates and charges as determined by the Minister for local Government.

Moved Cr. Beaumont, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.9 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/26/201

Responsible Officer: Simon Rule - Director Corporate Services
 Responsible Division: Corporate Services
 Reporting Officer: Annette Fraser - Team Leader Customer Service

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

Strategy: 4.1 A well engaged and informed community

At 05:05 pm Councillor Susan Nichols left the Council Chambers.

Summary

Council has provided an allocation of \$200,000.00 for the 2025/26 financial year for consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$112,348.70 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process.

The total value of requests granted so far under delegated authority is \$6,533.00 (\$1,306.00 plus \$2,576.00 plus \$258.00 plus \$2,393.00)

The total value of requests approved at the 18 February 2026 Council Meeting was \$10,641.84

The total value of requests for Round 4, the final round of the 2025/2026 funding application period totals \$10,800.00, which if granted in full, would leave a balance in the financial assistance program of \$4,818.02

Financial Assistance Program starting balance 2025/2026	\$200,000.00
Annual fees & charges annual exemptions granted	\$112,348.70
Granted under delegated authority 11/7/2025 – 24/7/2025	\$ 1,306.00
Value of approved requests August 2025 Council Meeting	\$ 23,557.60
Value of approved requests November 2025 Council Meeting	\$ 14,000.00
Granted under delegated authority 1/8/2025 – 24/10/2025	\$ 2,576.00
Available balance after November 2025 Council Meeting	\$ 46,211.70
Granted under delegated authority 25/10/2025 – 24/1/2026	\$ 258.00
Value of approved requests November 2025 Council Meeting	\$ 11,441.10
Value of approved requests December 2025 Council Meeting	\$ 5,859.74
Value of approved requests February 2026 Council Meeting	\$ 10,641.84
Available balance after February 2026 Council Meeting	\$ 18,011.02
Granted under delegated authority 25/1/2026 – 24/4/2026	\$ 2,393.00
Financial assistance requests received 25/1/2026 – 24/4/2026	\$ 10,800.00
Remaining balance if all approved	\$ 4,818.02

Recommendation

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

Council Resolution

That Council having considered the current requests for financial assistance grants the full value of all requests totalling \$10,800.00 from the financial assistance program.

Moved Cr. Crisp, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

At 05:11 pm Councillor Susan Nichols returned to Council Chambers.

9.10 DISCLOSURE OF INTEREST RETURN

File Number: RPT/26/217

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Deborah Zorzi - Governance Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

Council's Code of Conduct Policy requires Councillors and Designated Persons to disclose their personal interests by completing a publicly available disclosure of interests return.

A Councillor or Designated Person must make and lodge with the General Manager a Disclosure of Interest Form within 3 months after:

- Becoming a Councillor or Designated Person; and
- After 30 June of each year; and
- The Councillor or Designated Person becoming aware of an interest they are required to disclose under schedule 1 of the Policy that has not been previously disclosed in a return lodged under paragraphs a) or b).

These returns are required to be lodged with the General Manager and tabled at the next meeting of Council after the return is lodged.

Recommendation

That Council notes the tabling of a Disclosure of Interest Return by Councillor Michael Weeding.

Council Resolution

That Council notes the tabling of a Disclosure of Interest Return by Councillor Michael Weeding.

Moved Cr. Armstrong, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.11 PRIVACY POLICY

File Number: RPT/26/212

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Deborah Zorzi - Governance Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

This report seeks Council's endorsement of the draft Privacy Policy which has been reviewed and updated as part of Council's four year policy review plan.

Council's Privacy Policy outlines how Council will safeguard personal and health information held by Council and explains how that information is to be dealt with, including its use and disclosure.

At its meeting held on 18 March 2026, Council resolved to endorse the draft Privacy Policy for the purpose of public exhibition. No feedback or submissions were received from the public during this time and no changes have been made to the Policy following that exhibition period.

Recommendation

That Council adopts the Privacy Policy.

Council Resolution

That Council adopts the Privacy Policy.

Moved Cr. Nichols, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.12 ACCESS TO INFORMATION POLICY

File Number: RPT/26/213

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Deborah Zorzi - Governance Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

This report seeks Council's endorsement of the draft Access to Information Policy which has been reviewed and updated as part of Council's four year policy review plan.

Council's access to information is governed by the *Government Information (Public Access) Act 2009* (NSW) (the GIPA Act). The Act creates an enforceable right to access government information and provides that access to government information is restricted only when there is an overriding public interest against the disclosure. The Access to Information Policy sets out Council's commitment to providing the public with access to information and in doing so through each of the four ways required under the GIPA Act.

At its meeting held on 18 March 2026, Council resolved to endorse the draft Access to Information Policy for the purpose of public exhibition. No feedback or submissions were received from the public during this time and no changes have been made to the Policy following that exhibition period.

Recommendation

That Council adopts the Access to Information Policy.

Council Resolution

That Council adopts the Access to Information Policy.

Moved Cr. Armstrong, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

9.13 COMPLAINT MANAGEMENT POLICY

File Number: RPT/26/223

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Mardi Cleggett - Governance Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

This report seeks adoption of the draft Complaint Management Policy which has been reviewed and updated as part of Council's policy review plan, and in conjunction with the recent review and update of Council's Complaint Management Framework.

Recommendation

That Council adopt the reviewed Complaint Management Policy.

Council Resolution

That Council adopt the reviewed Complaint Management Policy.

Moved Cr. Rodda, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.14 ROAD SAFETY QUARTERLY REPORT JANUARY 2026 - MARCH 2026

File Number: RPT/26/218

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Barnaby Bates - Council Community Officer Road Safety

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

Strategy: 1.3 High quality connectivity across the region

Summary

This report is to provide Council with an update of the Road Safety Officer's activities from January 2026 to March 2026.

Recommendation

That Council receives and notes the Road Safety Quarterly Report for January 2026 to March 2026.

Council Resolution

That Council receives and notes the Road Safety Quarterly Report for January 2026 to March 2026.

Moved Cr. Crisp, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

**9.15 DA2025/021 MANUFACTURED HOME ESTATE 78 CORBERTT AVENUE
BURONGA LOT 2 DP 1300239**

File Number: RPT/26/228

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Council Resolution

That item 9.15 lies on the table

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED

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

For the Motion : ***Clr.s Armstrong, Beaumont, Crisp, Evans, Linklater, Rodda and Starick.***

Against the Motion: ***Clr. Nichols.***

Summary

A development application (DA2025/021) was lodged by Council on 11 February 2025 for a manufactured home estate at 78 Corbett Avenue Buronga Lot 2 DP 1300239.

Under the RU5 Village zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (manufactured home estate) is permitted with consent.

The *Local Government Act 1993* defines manufactured home estate as:

- ***manufactured home estate*** means land on which manufactured homes are, or are to be, erected.

The *Local Government Act 1993* defines manufactured home as:

- ***manufactured home*** means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—
 - a) *that comprises one or more major sections, and*
 - b) *that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,*
- *and includes any associated structures that form part of the dwelling.*

During public exhibition, nine (9) submissions were received (2 being the same submitter) raising concerns about the proposed development.

For Council to have the legal pre-requisite power to approve development applications, the following must be provided:

- Written Land owners consent as per section 23 of the *Environmental Planning and Assessment Regulation 2021*. License and leases are not considered land owners consent
- For land formally used for agriculture/horticulture use, a Preliminary Site Investigation for contamination **must** be provided to Council as per Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP).

For Council to be able to approve a development application for a manufactured home estate, a number of prerequisites must be met:

- Satisfy matters under Chapter 3, Part 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP)
- Have a design consistent with Part 2 Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*
- The development must be capable of being adequately serviced as per clause 7.2 of the WLEP 2011
- Matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*

The above matters have not been met, and insufficient information has been provided with the development application.

The application has been presented to Council for determination and was not determined under delegation for the following reasons:

- The application is recommended for refusal
- More than 3 submissions were received to the application

Recommendation

That Council:

1. Refuse DA2025/021 for a manufactured home estate at 78 Corbett Avenue Buronga Lot 2 DP 1300239 subject to reasons.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

9.16 USE OF PLANNING CONSULTANTS

File Number: RPT/26/252

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Simon Rule - Director Corporate Services

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment
Strategy: 3.1 An urban environment that maintains and enhances our sense of identity and place

Summary

Council's Planning Department is currently experiencing ongoing resourcing constraints due to three (3) vacant positions within the approved organisational structure. These vacancies have created pressure on Council's ability to maintain statutory planning functions and service delivery timeframes.

To address these challenges, Council has engaged planning consultants to provide planning services on an interim basis. The engagement has been undertaken in accordance with the NSW Local Government Procurement Panel Contract LGP1208-4 – Professional Consulting Services, which is exempt from the requirement to tender under Section 55 of the *Local Government Act 1993 (NSW)*.

Recruitment to the vacant positions is underway with interview for the two managers positions to be held in May however, external planning support will continue to be required until these positions are successfully filled, and staff are fully onboarded. Current expenditure is approaching \$500,000 with further costs anticipated during the recruitment period.

This report seeks Council approval to authorise the General Manager to expend a further \$200,000 (GST Exc) to ensure continuity of planning services and mitigate operational and statutory risks during this transitional period.

Recommendation

That Council:

- a) Notes the engagement of consultants for the provision of Planning Services support.
- b) Authorises the General Manager to expend up to \$200,000 (GST Exc) for the engagement of planning consultants to support the Planning Department until recruitment of vacant positions has been completed.

Council Resolution

That Council:

- a) Notes the engagement of consultants for the provision of Planning Services support.
- b) Authorises the General Manager to expend up to \$200,000 (GST Exc) for the engagement of planning consultants to support the Planning Department until recruitment of vacant positions has been completed.

Moved Cr. Rodda, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

9.17 DEVELOPMENT APPLICATION DETERMINATION REPORT - APRIL 2026

File Number: RPT/26/205

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Chloe Stephenson - Coordinator Health & Planning

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

For the month of April 2026, a total of 17 Development Applications and two (2) Modification Applications were determined.

The estimated value of the determined developments was \$4,970,206.00. This brings the Financial year to date total to 161 Development Applications with an estimated development value of \$63,393,247.47 and 21 Modification Applications.

Recommendation

That Council receives and notes the report for the Determined Development Applications for the month of April 2026.

Council Resolution

That Council receives and notes the report for the Determined Development Applications for the month of April 2026.

Moved Cr. Rodda, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.18 PROJECT & WORKS REPORT MAY 2026

File Number: RPT/26/219

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Megan Jackson - Roads & Engineering Administration Officer

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

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the months of April 2026, and the planned activities for May 2026.

Recommendation

That Council receives and notes the major works undertaken in April 2026 and the scheduled works for May 2026.

Council Resolution

That Council receives and notes the major works undertaken in April 2026 and the scheduled works for May 2026.

Moved Cr. Nichols, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

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

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

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

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

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

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

Recommendation

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

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

12.1 Plant Replacement - Approval for Tender for Replacement of Plant 523 - Hino Water Tanker - VR2526/523. (RPT/26/197)

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

12.2 Plant Replacement - Approval for Tender for Replacement of Plant 527 - Isuzu Long Cab Chassis - VR2526/527. (RPT/26/198)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the

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

12.3 Plant Replacement - Approval for Tender for Replacement of Plant 534 - Caterpillar 12M Grader - VR2526/534. (RPT/26/199)

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. Crisp, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 PLANT REPLACEMENT - APPROVAL FOR TENDER FOR REPLACEMENT OF PLANT 523 - HINO WATER TANKER - VR2526/523

File Number: RPT/26/197

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.2 Our public assets are well maintained and able to meet the growing population demands

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.

That Council accepted the tender from Johnsons Truck & Coach Service for the supply & delivery of one UD CW25360 Allquip 14,000 ltr polly tank for the sum of \$375,916.00 inc GST as specified and accepted the trade price of \$34,000.00 inc GST for the Council owned Hino Water Tanker, plant item 523 with a total changeover price of \$341,916.00 inc GST.

12.2 PLANT REPLACEMENT - APPROVAL FOR TENDER FOR REPLACEMENT OF PLANT 527 - ISUZU LONG CAB CHASSIS - VR2526/527

File Number: RPT/26/198

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.2 Our public assets are well maintained and able to meet the growing population demands

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.

That Council accepted the tender from Johnsons Truck & Coach Service for the supply & delivery of one Hino 921 4400wb for the sum of \$205,500.000 inc GST as specified and accepted the trade price of \$22,000.00 inc GST for the Council owned Isuzu Long Cab Chassis, plant item 527 with a total changeover price of \$183,500.00 inc GST.

12.3 PLANT REPLACEMENT - APPROVAL FOR TENDER FOR REPLACEMENT OF PLANT 534 - CATERPILLAR 12M GRADER - VR2526/534

File Number: RPT/26/199

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Samantha Wall - Projects Administration

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

Strategy: 3.2 Our public assets are well maintained and able to meet the growing population demands

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.

That Council accepted the tender from William Adams for the supply of one Caterpillar 140 Motor Grader as specified for the sum of \$731,830.00 inc GST, and accepted the trade price of \$167,200.00, inc GST for the Council owned Caterpillar 12M Grader, plant item 534 with a total changeover price of \$564,630.00 inc GST.

13 CONCLUSION OF THE MEETING

The meeting concluded at 5:52pm

NEXT MEETING

24 June 2026

.....
CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 STATUS REPORT ON PREVIOUS COUNCIL RESOLUTIONS AS 24 JUNE 2026

File Number: RPT/26/255

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Jamie-Lee Kelly - Business Support Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

The Status Report on previous Council Resolutions provides details of actions that remain outstanding.

Officer Recommendation

That Council notes the list of outstanding action items for Council Resolutions as at 24 June 2026.

Attachments

1. Outstanding Actions as at 24 June 2026 [↓](#)

Division: Committee: Ordinary Council Officer: Outstanding Action Items Report				Date From: Date To: Printed: Tuesday, 16 June 2026 12:31:25 PM
Meeting	Item	Title	Item	Action Record (latest first)
Ordinary Council 23/06/2025	10.1	Notice Of Motion - Audit of Playground Equipment Within Wentworth Shire Council	Council Resolution That Council undertake an audit of playground equipment in the shire and actively seek grant funding to upgrade facilities as identified in said audit as required Moved Cr. Rodda, Seconded Cr. Weeding <u>CARRIED UNANIMOUSLY</u>	16 Jun 2026 9:00am Wall, Samantha Audit report has been received. All urgent repairs will be undertaken this week., A maintenance program is currently being scheduled.
Ordinary Council 17/09/2025	10.2	Advocacy Second Bridge at Monak	Council Resolution That Council note the Integrated Transport and Land Use Strategy document adopted by Mildura Rural City Council on 24 April 2025, and their advocacy priority titled Monak Bridge and commence advocacy in support of the Heavy Vehicle Bypass, including representation to State and Federal members, Transport ministers, and Transport for NSW. Moved Cr. Linklater, Seconded Cr. Rodda <u>CARRIED UNANIMOUSLY</u>	15 Jun 2026 3:25pm Carter, Ebony Ongoing
Ordinary Council 18/02/2026	9.2	Wentworth Pioneer Homes Request for Financial Assistance	Motion That Council will consider funding or partially funding the proposal from Wentworth Pioneer Homes Committee Inc following a budget review and that the proposal will be tabled for consideration following the review. Moved Cr. Crisp, Seconded Cr. Beaumont	15 Jun 2026 3:53pm Rule, Simon No allocation has been included in the budget for 2026/2027..
Ordinary Council 15/04/2026	9.6	Review - Mobile Food	Council Resolution That Council:	15 Jun 2026 3:22pm Carter, Ebony Report to adopt updated Mobile Food Vendor Policy included in this Council Agenda.

Division: Ordinary Council Committee: Officer: Outstanding Action Items Report Date From: Date To: Printed: Tuesday, 16 June 2026 12:31:25 PM			
	<i>Vendor Policy</i>	1. Endorse the Draft Mobile Food Vendor Policy for public exhibition for 28 days including the opt in to the mutual recognition scheme 2. Determine a fee of \$180 for the mutual recognition scheme process. Moved Cr. Rodda, Seconded Cr. Weeding <u>CARRIED UNANIMOUSLY</u>	15 Jun 2026 3:21pm Carter, Ebony Ongoing
Ordinary Council 15/04/2026 6	<i>Recognition of Local Community members</i> 10.1	<u>Council Resolution</u> That Council: 1. Recognise the Rotunda at Gol Gol to display commemorative plaques of notable community figures. Council to establish a suitable (not more frequent than annual) process for community nominations and recognition. 2. An initial plaque to be affixed in honour of Ewen Reuben Cameron 1925-1975, known affectionately as ERKY. War hero and Gol Gol local. (Appropriate ceremony to be advised) 3. Name the lane way in Gol Gol parallel to the Sturt Highway and William Street from Bligh Street to Tapio Street "Cameron Lane" as per 2025 request from Lynne Cameron. 4. Erect a sign adjacent to the shared path near the Drings Hill Reserve "Tom Modica Pathway" in recognition of his decades of community service, including founding member of the Gol Gol Public School Parents and Citizens Association in 1966, Charter Member of Buronga-Gol Gol Lions Club, life member of local Senior Citizens Association, and keen daily walker of the Gol Gol shared path well into his 80's. (Appropriate ceremony to be advised). Moved Cr. Linklater, Seconded Cr. Rodda <u>CARRIED UNANIMOUSLY</u>	

Division: Committee: Ordinary Council Officer: Outstanding Action Items Report				Date From: Date To: Printed: Tuesday, 16 June 2026 12:31:25 PM
Ordinary Council 13/05/2026	8.1	Heritage and History Advisory Committee Meeting	<u>Council Resolution</u> That Council resolves to construct a plan to prepare the PS Ruby for static display and costs borne by Wentworth Shire Council are supplemented by grant funding through funding bodies appropriate to PS Rubys future preservation. Moved Cr. Starick, Seconded Cr. Crisp <u>CARRIED UNANIMOUSLY</u>	15 Jun 2026 5:05pm Carter, Ebony Working with the Committee members to clear and store items off the PS Ruby as the initial steps to achieving a static display.
Ordinary Council 13/05/2026	9.2	Murray Darling Association Conference	<u>Council Resolution</u> That Council nominates representatives to attend the Murray Darling Association National Conference and Annual General Meeting from 24 August 2026 - 27 August 2026 in Shepparton VIC. Moved Cr. Rodda, Seconded Cr. Starick <u>CARRIED UNANIMOUSLY</u>	13 Jun 2026 3:15pm Carter, Ebony Ongoing
Ordinary Council 13/05/2026	9.3	Community Bank Wentworth & District Skin Cancer Truck Funding Assistance	<u>Council Resolution</u> That Council approve expenditure of \$11,000 (inc GST), one third of the cost to bring the Mildura Base Public Hospital Foundation Skin Check Truck to the Wentworth region. Moved Cr. Nichols, Seconded Cr. Beaumont <u>CARRIED UNANIMOUSLY</u>	15 Jun 2026 3:16pm Carter, Ebony Community Bank Wentworth & District advised of Council approval for one third of the cost of bringing skin check truck to Wentworth region.
Ordinary Council 13/05/2026	9.9	AF003 Requests for Financial Assistance	<u>Council Resolution</u> That Council having considered the current requests for financial assistance grants the full value of all requests totalling \$10,800.00 from the financial assistance program. Moved Cr. Crisp, Seconded Cr. Armstrong	09 Jun 2026 11:02am Fraser, Annette All fund recipients have been notified

Division:
Committee:
Officer:

Ordinary Council

Date From:
Date To:
Printed:

Tuesday, 16 June 2026 12:31:25 PM

Outstanding Action Items Report

			<u>CARRIED UNANIMOUSLY</u>
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7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT JUNE 2026

File Number: RPT/26/253

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Linklater from 14 May 2026 – 24 June 2026.

Recommendation

That Council receives and notes the information contained in the Mayoral report for May 2026.

Report

The following table lists the meetings attended by Mayor Linklater for the period of 14 May 2026 – 24 June 2026

Date	Meeting	Location
18 May 2026	Mayoral Meeting	Wentworth
19 May 2026	Book Launch of 'Caught in the Current'	Mildura
19 May 2026	Lightstate Committee of Management	Online
25 May 2026	Mayoral Meeting	Wentworth
25 May 2026	Official Opening Wentworth Health Services	Wentworth
27 May 2026	Murray Valley Wine Growers 2026 Forum	Nichols Point
31 May 2026	RAAF Museum Open Day	Mildura
01 June 2026	Inquiry into Access Restrictions to Public Lands and Waterways	Sydney
03 June 2026	Mildura Living Winter 2026 Launch Event	Mildura
9 June 2026	Route development meeting with Mildura Airport Corporation	Mildura
10 June 2026	Media Announcement and Meet and Greet - the Hon. Penny Sharpe & Energy CO	Hay
11 June 2026	FOSO visit with Helen Dalton MP	Wentworth
12 June 2026	Councillor's meeting with Helen Dalton MP	Wentworth
12 June 2026	General Manager Performance Review Committee Meeting	Wentworth
15 June 2026	Mayoral Meeting	Wentworth
16 June 2026	Lighstate Committee of Management	Mildura
17 June 2026	Club Grants Category 1 Meeting	Dareton
17 June 2026	FWLHD Public Health Unit Presentation to Councillors – Fluoridation	Wentworth
22 June 2026	Mayoral Meeting	Wentworth

24 June 2026	Ordinary Council Meeting	Wentworth
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Attachments

Nil

7.2 WENTWORTH FLOOD RALLY (70 YEARS ON)

File Number: RPT/26/283

Summary

Councillor Crisp attended the celebrations for the Wentworth Flood Rally (70 Years On) over the June long weekend Friday 5 – Sunday 7.

Cr Crisp has provided the below report and will speak to his report further if required.

The Wentworth Flood Rally (70 Years On) was a great success from the Friday afternoon to the Sunday. Successful events just don't happen without a lot of collaboration, dedication, persistence, and hard work by those involved.

Our Visitor Information Centre staff including Hannah, Cathryn and Kendall deserve special praise.

TRACS (Tractor Restoration & Appreciation Club of Sunraysia) led by Alan Whyte, Ray Hill from the Vintage Machinery Society of Sunraysia (VMSOS) and the WSC traffic control staff ensured the tractor events went smoothly

The crowd turn out on Sunday was astounding and this event has shown our capability to achieve something special

Recommendation

That the information contained in the report from Councillor Crisp be noted and that the General Manager pass on the Councils commendation to all those involved in the Wentworth Flood Rally.

Attachments

Nil

8 REPORTS FROM COMMITTEES

8.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE - 14 MAY 2026

File Number: RPT/26/264

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Simon Rule - Director Corporate Services

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

A meeting of the Audit, Risk and Improvement Committee was held on 14 May 2026. The Minutes of the meeting are attached to this report for the information of Councillors.

The Committee considered the following items of business:

- Audit Office of NSW Update
- Internal Audit Extreme & High-Risk Recommendations Update
- Internal Audit Quarterly Update
- Quarterly Risk Report
- Quarterly Operational Plan Progress Report
- Quarterly Budget Review – 3rd Quarter 2025-2026
- Draft Procurement Policy
- Draft Statement of Business Ethics Policy
- Draft Credit Card Policy
- Quarterly Fraud Report
- Quarterly report on Legislative Updates
- Cyber Security Quarterly Update

The Audit, Risk and Improvement Committee advises that:

- It has conducted its meeting in accordance with its Charter and NSW OLG Guidelines; and
- Based on the matters reviewed, Council's governance, risk management, financial and control frameworks are operating adequately, noting that the risks and actions outlined will continue to be monitored.

Officer Recommendation

That Council receives and notes the draft minutes of the Audit, Risk and Improvement Committee Meeting held on 14 May 2026.

That Council endorse the following draft policies to be placed on public exhibition

- GOV005 Procurement Policy
- GOV019 Statement of Business Ethics Policy
- GOV024 Credit Card Policy

Additional Information

This report provides Council with a summary of matters considered by the Audit, Risk and Improvement Committee (ARIC) at its meeting held on 14 May 2026 and demonstrates how those matters support the Committee discharges its obligations under the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* and the Committee's Charter.

At the meeting the Committee considered the following items:

- Audit Office of NSW Update
- Internal Audit Extreme & High-Risk Recommendations Update
- Internal Audit Quarterly Update
- Quarterly Risk Report
- Quarterly Operational Plan Progress Report
- Quarterly Budget Review – 3rd Quarter 2025-2026
- Draft Procurement Policy
- Draft Statement of Business Ethics Policy
- Draft Credit Card Policy
- Quarterly Fraud Report
- Quarterly report on Legislative Updates
- Cyber Security Quarterly Update

Matters Considered, Outcomes and Next Steps

Audit Office Update

Outcome:

The Committee received and noted the Audit Office update on external audit activity and engagement.

Next Steps:

Action	Owner	Timeframe	Status
Continue	Finance	June-November	 Green

engagement with Audit Office through audit cycle		2026	
--	--	------	--

Internal Audit Update

Outcome:

The Committee received and noted the Internal Audit Quarterly Report.

The Committee endorsed the Waste Management internal audit report and noted progress in the Procurement and Accounts Payable and Work Health and Safety internal audits.

Next Steps:

Action	Owner	Timeframe	Status
Management to implement recommendations arising from the Waste Management audit	Waste	Ongoing	● Green
Complete Procurement & Accounts Payable audit	Internal Audit	Next Quarter	● Green
Complete Work Health & Safety audit	Internal Audit	Next Quartet	● Green

Quarterly Budget Review Statements

Outcome:

The Committee reviewed the Quarterly Budget Review Statements and emphasised to Council the need to maintain budget discipline and prioritise essential expenditure, particularly in the context of financial sustainability pressures.

Next Steps:

Action	Owner	Timeframe	Status
Management to continue monitoring expenditure and forecasting	Finance	Ongoing	● Amber
Report emerging financial risks to ARIC/Council	General Manager/Director Corporate Services	Ongoing	● Green

Quarterly Operational Plan Progress Report

Outcome:

The Committee received and noted progress against the Operational Plan and identified no significant delivery issues requiring escalation at this time.

Next Steps:

Action	Owner	Timeframe	Status
Management to continue monitoring delivery of Operational Plan actions	Management	Ongoing	● Green

Quarterly Fraud Report

Outcome:

The Committee received and noted the report on Council's processes and controls for identifying fraudulent activity and conferment that no identified or suspected fraud occurred for the quarter ending 31 March 2026.

Next Steps:

Action	Owner	Timeframe	Status
Maintain current fraud prevention, detection and reporting controls	Director Corporate Services	Ongoing	● Green
Continue periodic fraud awareness and training activities	Director Corporate Services	Ongoing	● Green
Ongoing monitoring and reporting of fraud risks on a quarterly basis	Director Corporate Services	Ongoing	● Green

Cyber Security Update

Outcome:

The Committee noted that approximately 50-60% of the Cyber Security Improvement Plan has been completed, with 11 implementation actions remaining outstanding.

Next Steps:

Action	Owner	Timeframe	Status
Complete remaining Cyber Security Improvement Plan Actions	Manager Technical Services	6 months	● Amber
Continue monitoring evolving cyber threat environment	Manager Technical Services	Ongoing	● Amber

Quarterly Risk Report

Outcome:

The Committee received and noted the Quarterly Risk Report, including the emerging significant risks relating to short-term cash flow and ERP software end-of-life.

Next Steps:

Action	Owner	Timeframe	Status
Develop and implement short-term cash flow mitigation strategies	Director Corporate Services/Executive	Ongoing	● Red
Progress ERP system replacement planning	Director Corporate Services	6-12 months	● Amber
Escalate risks to Council where they exceed tolerances or require strategic decisions	Committee	As required	● Green

Review of Council Policies

Policies Reviewed:

- Procurement Policy
- Statement of Business Ethics
- Credit Card Policy

Outcome:

The Committee reviewed the policies and noted they contribute to strengthening governance, internal controls and ethical conduct.

Next Steps:

Action	Owner	Timeframe	Status
Finalisation of any amendments	Governance	Immediate	● Green
Presentation of updated policies to Council for endorsement to be placed on public exhibition	Director Corporate Services	June	● Green

Quarterly Legislative Update

Outcome:

The Committee received and note the legislative update and potential impacts on Council operations.

Next Steps:

Action	Owner	Timeframe	Status
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Monitor legislative changes and compliance impacts	Governance	Ongoing	● Green
Update policies and procedures as required	Management	As required	● Green
Provide ongoing updates to the Committee	Governance	Quarterly	● Green

RAG Status Legend

● Green	On track. Action is progressing as planned with no significant issues.
● Amber	Monitoring required. Minor issues, delays or risks exist and are being actively managed.
● Red	Action required. Significant risk, delay or issue requiring management and/or escalation.

The Committee draws Council's attention to the following key themes:

- The importance of budget discipline and expenditure prioritisation
- Emerging risks relating to:
 - Short term cash-flow
 - ERP system end-of-life
- Progress in strengthening governance through:
 - Internal audit activity
 - Cyber security improvements
 - Policy reviews

At this time, these matters are being managed within existing frameworks, with ongoing monitoring by the Committee.

The Audit, Risk and Improvement Committee advises that:

- It has conducted its meeting in accordance with its Charter and NSW OLG Guidelines; and
- Based on the matters reviewed, Council's governance, risk management, financial and control frameworks are operating adequately, noting that the risks and actions outlined above will continue to be monitored.

Attachments

1. Minutes - Audit, Risk and Improvement Committee 14 May 2026 [↓](#)



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

14 MAY 2026

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026****TABLE OF CONTENTS**

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AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026**

1 OPENING OF MEETING

The meeting opened at 10:01am

2 PRESENT**MEMBERS**

Rosanne Kava (Chair) (Video Conference)
Diane Schmidt
Caroline Smith (Video Conference)

OBSERVERS

Brett Hanger (Audit Partner Nexia)
Kathie Teasdale (Senior Partner RST Audit)
Paul Harrison (Internal Audit Manager RSD Audit)

STAFF OBSERVERS

Ken Ross (General Manager)
Simon Rule (Director Finance and Policy)
Ebony Carter (Acting Executive Assistant General Manager)
Deb Zorzi (Governance Officer)
Ned Lamond (Financial Services Coordinator)

3 APOLOGIES

Councillor Jody Starick is an apology

4 DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

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

That the Minutes of the Audit, Risk and Improvement Committee Meeting held 6 February 2026 be confirmed as circulated.

Committee Resolution

That the Minutes of the Audit, Risk and Improvement Committee Meeting held 6 February 2026 be confirmed as circulated.

Moved CS Smith, Seconded DS Schmidt

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

14 MAY 2026

7 REPORTS

7.1 OUTSTANDING ACTIONS LIST

File Number: RPT/26/168

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary

The purpose of this report is to report on the status of Outstanding Actions from Previous Meetings.

Recommendation

That the Committee recommends that Council notes the Outstanding Actions List.

Committee Resolution

That the Committee recommends that Council notes the Outstanding Actions List.

CONSENSUS

WHS Survey – confirmation of where this is up to.

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026**

7.2 AUDIT OFFICE UPDATE

File Number: RPT/26/166

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary

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

Recommendation

That the Committee receives and notes the report.

Committee Resolution

That the Committee receives and notes the report.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

14 MAY 2026

7.3 INTERNAL AUDIT EXTREME & HIGH RISK RECOMMENDATIONS UPDATE

File Number: RPT/26/169

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary

The Committee has requested a quarterly update on the progress of implementing Extreme and High Risk recommendations from internal audit reports.

Recommendation

That the Committee receives and notes the report.

Committee Resolution

That the Committee receives the report and notes that there are no outstanding actions for the Internal Audit extreme and high risk recommendations.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026**

7.4 INTERNAL AUDIT QUARTERLY UPDATE

File Number: RPT/26/167

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary**Recommendation**

The Committee notes the Internal Audit Quarterly report and endorses the Procurement & Accounts Payable Internal Audit Proposed Scope of Works.

Committee Resolution

The Committee notes the Internal Audit Quarterly report, endorses the Waste Management Report and notes progress in the Procurement and Accounts Payable Internal Audit and the Work Health Safety internal audit.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026**

7.5 QUARTERLY RISK REPORT

File Number: RPT/26/171

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary

The purpose of the Quarterly Risk Report is to provide the Committee with an update on Council's key strategic and operational risk, the effectiveness of existing controls, and progress on risk management activities undertaken during the reporting period. The report supports the Committee in its oversight role by ensuring that significant risks are being appropriately identified, assessed, and managed in accordance with Council's Risk Management Framework.

Key highlights include:

- Total Risks: 50
- New Risks: 0
- Risk Rating Increase: 0
- Risk Rating Decrease: 3 – FOSO, Gol Gol Water Treatment Plan, Planning Assessments
- Emerging Risks: 2 – short term cash flow, ERP software End of Life (EOL)

Recommendation

That the Committee receives and notes the report.

Committee Resolution

That the Committee receives and notes the report including the emerging significant risks of short term cash flow and ERP software end of life.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026****7.6 QUARTERLY BUDGET REVIEW STATEMENTS**

File Number: RPT/26/202

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Ned Lamond - Financial Services Coordinator

Summary

The March Quarterly Budget Review Statement (QBRS) has been prepared in accordance with the NSW Office of Local Government's 2024-2025 Quarterly Budget Review Guidelines. The updated framework aims to improve transparency, consistency, and alignment with the Integrated Planning and Reporting principles.

The March QBRS provides a comprehensive review of Council's financial performance and budget position for the quarter ended 31 March 2026, including

- A detailed analysis of operating performance, including key variations in income and expenditure
- Reporting of capital works progress and associated funding sources
- Updated information on cash and investments, developer contributions, and loan balances; and
- A summary of budget variations exceeding the $\pm 10\%$ or \$50,000 materiality threshold

While the new QBRS format no longer includes financial Key Performance Indicator (KPI)'s, Council notes that the OLG is currently reviewing the financial and sustainability ratios used across the sector. At this stage, Council's priority is to bed down the requirements of the revised guidelines. The reintroduction of the previous suite of KPI's will be considered as part of future reporting.

Consistent with the updated reporting requirements, once this QBRS is formally tabled at the May Council Meeting, a copy of the report and its attachments will be published on Council's website to ensure transparency and public accountability.

Recommendation

That the Committee:

- a) Receive and note the March 2026 Quarterly Budget Review Statement
- b) Endorse the March 2026 Quarterly Budget Review Statement for presentation to the May Council Meeting.

Committee Resolution

That the Committee:

- a) Receive and note the March 2026 Quarterly Budget Review Statement
- b) Emphasise to council the need to maintain budget discipline and prioritise essential expenditure.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026****7.7 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT**

File Number: RPT/26/165

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary

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

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

New Actions

- 3.5.9 – Land Purchase Buronga.

Completed actions

- 2.4.3 – Open Spaces Development
- 2.4.6 – Greater Darling Junction Viewing Platform
- 3.2.13 – Wentworth Depot Upgrade

Recommendation

The Committee notes the report.

Committee Resolution

The Committee notes the report.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026**

7.8 QUARTERLY FRAUD REPORT

File Number: RPT/26/170

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Report Author: Simon Rule - Director Corporate Services

Summary

This report provides the Committee with an update on fraud-related matters for the quarter ended 31 March 2026 and outlines the processes in place to identify and manage potential fraudulent activity. Management confirms that no instances of fraud were identified during the reporting period, and no matters were escalated for formal investigation. Ongoing monitoring and routine control activities did not identify any anomalies indicative of fraudulent conduct.

Council maintains a structured and multi-layered approach to fraud detection, incorporating internal controls, data monitoring, internal reporting mechanisms, and information received from staff, contractors and members of the public. These processes are supported by internal audit activities. Management considers the current framework to be appropriate and will continue to monitor, review and report on fraud risks in line with Council's Fraud Control Policy.

Recommendation

That the Committee receives and notes the report.

Committee Resolution

That the Committee receives and notes the report of Council's processes and controls for identifying any fraudulent activity and notes there was no identified or suspected fraud for the quarter ending 31 March 2026.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026**

7.9 CYBER SECURITY QUARTERLY UPDATE

File Number: RPT/26/176

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Simon Rule - Director Corporate Services

Summary

This report provides an update on Council's progress in implementing the Cyber Security Improvement Plan for the March quarter. The Plan is designed to uplift Council's cyber security maturity, reduce exposure to cyber threats, and align with the NSW Local Government Cyber Security Guidelines and the Australian Cyber Security Centre (ACSC) Essential Eight.

During the quarter, Council completed several key actions across both frameworks, including structured application patching, establishment of executive-level cyber security governance with authority over OT/IoT, and implementation of vulnerability management processes. Council also achieved timely patching of high risk software in line with Essential Eight requirements.

Significant progress continues across foundational initiatives, with several controls now between 75% and 90% complete. However, seven Essential Eight implementation actions remain outstanding, primarily relating to full environment coverage and legacy systems.

Overall, Council has made strong progress in cyber security uplift, with approximately 50-60% of the Improvement Plan implemented. The remaining work is essential to achieving full control effectiveness and reducing residual cyber security risk.

Recommendation

The Committee notes the progress in implementing the Cyber Security Improvement Plan.

Committee Resolution

The Committee notes that 50 to 60 percent of the Cyber Security Improvement Plan has been completed and that 11 implementation actions remain outstanding.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026****7.10 COUNCIL POLICIES - REVIEW OF KEY GOVERNANCE POLICIES**

File Number: RPT/26/174

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Mardi Cleggett - Governance Officer

Summary

The purpose of this report is to inform the Committee of the outcomes of a coordinated review of three key Governance policies:

1. Procurement Policy (GOV005)
2. Statement of Business Ethics (GOV019)
3. Credit Card Policy (GOV024)

Recommendation

The Committee recommends that Council endorses the Draft Policies and their placement on public exhibition for 28 days.

Committee Resolution

The Committee recommends that Council endorses the three Draft Policies and their placement on public exhibition for 28 days.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES**14 MAY 2026****7.11 QUARTERLY LEGISLATIVE UPDATE**

File Number: RPT/26/203

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Report Author: Mardi Cleggett - Governance Officer

Summary

The Committee has requested a quarterly report on new NSW legislation, or substantial changes to existing legislation to help inform their deliberations.

This report provides details on statutory instruments during the period January to March 2026, either new, substantial and upcoming changes to relevant legislation that impact Council's legislative operating environment. There were several amendments that have or will affect Council across the quarter.

Recommendation

That the Committee receives and notes the report.

Committee Resolution

That the Committee receives and notes the reported legislative changes over the last quarter.

CONSENSUS

AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING MINUTES

14 MAY 2026

8 ACTIONS

- send a copy of the draft budget to the committee
- consideration of putting the contract section back into QBRs report
- addition of a note into the credit card policy regarding misuse of credit cards
- asset management plan updates be provided at the next meeting

9 NEXT MEETING

07 August 2026

TBC end September/ early October meeting

06 November 2026

12 February 2027

07 May 2027

10 CLOSURE

The meeting was declared closed at 12:23 pm.

9 REPORTS TO COUNCIL

9.1 RESCISSION COUNCIL POLICY - CODE OF MEETING PRACTICE 2025

File Number: RPT/26/289

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Jamie-Lee Kelly - Business Support Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

The purpose of this report is to rescind the 2025 Code of Meeting Practice and reinstate Council's previously adopted Code of Meeting Practice containing the mandatory provisions of the 2021 Model Code of Meeting Practice and Council's adopted supplementary provisions.

Recommendation

1. That Council rescind the 2025 Code of Meeting Practice, due to the NSW Legislative Council on 26 May 2026 passing a motion to disallow the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025.
2. That Council's previously adopted (16 July 2025) Code of Meeting Practice (Attachment 2 of the report) be adopted.

Detailed Report

From December 2024, the Office of Local Government (OLG) revised the Model Code of Meeting Practice (Model Code) following extensive consultation. On 5 September 2025, the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025 was prescribed under the Local Government Act 1993 and councils were required to make administrative arrangements in preparation for the commencement of the new 2025 Code of Meeting Practice from 1 January 2026.

On 28 November 2025, notification was received from the OLG advising that the Legislative Council at its meeting on 25 November 2025 considered a motion to disallow the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025.

On 26 May 2026, a motion introduced by Dr Amanda Cohn of the Greens to disallow the 2025 Model Code of Meeting Practice was passed by the Legislative Council. As a result, the 2025 Model Code has been disallowed and is no longer in effect.

Actions from Motion to Disallow 2025 Model Code of Meeting Practice

Council is in receipt of advice from the OLG dated 28 May 2026, advising as the first item of business at the next meeting, council should rescind its resolution adopting the 2025 Model Meeting Code. This will have the effect of reinstating Council's previously adopted Code of Meeting Practice (16 July 2025) containing the mandatory provisions of the 2021 Model Code of Meeting Practice and supplementary provisions. (Attachment 2).

As more than three (3) months have passed since Council adopted its 2025 Code of Meeting Practice, the signatures of three (3) councillors are not required to rescind the resolution adopting the Code of Meeting Practice.

Council is advised that meetings of the council should be conducted in accordance with the reinstated version of Council's Code of Meeting Practice until such time as it is amended.

The disallowance of the Amendment Regulation does not prevent Council from including supplementary provisions in the reinstated version of the previous Code of Meeting Practice, based on the provisions of the 2025 Model Code of Meeting Practice provided the supplementary provisions are not inconsistent with the mandatory provisions of the 2021 Model Code of Meeting Practice. Should Council wish to make amendments to the reinstated version of its previous Code of Meeting Practice, it will be required to prepare and exhibit a Draft Code of Meeting Practice in accordance with Section 361 of the Local Government Act 1993.

It is recommended that the 2025 Model Code of Meeting Practice be rescinded and the previous Code of Meeting Practice be adopted (Attachment 2).

Timeline of Events

Date	Model Code Status
05 April 2022	Council adopted 2021 Model Code
December 2024	OLG review
16 July 2025	Council adopted 2021 Model Code (review following elections)
5 September 2025	2025 Model Code prescribed under Local Government Act
25 November 2025	NSW Legislative Council consider motion to disallow 2025 Model Code
17 December 2025	Council adopted 2025 Model Code effective from 1 January 2026
*1 January 2026	Meetings held in accordance with 2025 Model Code
26 May 2026	NSW Legislative Council pass motion to disallow 2025 Model Code
	OLG reviewing 2026 Model Code
24 June 2026	Council rescind 2025 Code of Meeting Practice Council adopt 2021 Model Code effective from 24 June 2026
From 24 June 2026	<i>2021 Model Code applies</i>
	Once the new 2026 Model Code received from OLG, it will be reviewed and presented to Council prior to public exhibition

Implementation

Following the Ordinary Council meeting being held on 24 June 2026, the following practices will be reinstated:

- Councillor pre-meeting briefings will be held as required
- Remote attendance will be permitted under the previous circumstances where a Councillor is unable to attend in person

These changes will not affect the adopted 2026 Schedule of Meetings. The Register of confidential items maintained for the period 1 January 2026 to 24 June 2026 has been retained.

Next Steps

The OLG is examining feedback received from Dr Cohn MLC, the Country Mayors Association and Local Government NSW (LGNSW) on the 2025 Model Code of Meeting Practice and will provide formal advice on a new 2026 Model Code of Meeting Practice when the drafting is complete.

Following receipt of this advice, a review of Council's Code of Meeting Practice will be undertaken including placing the Draft 2026 Code of Meeting Practice on public exhibition before formal adoption by Council.

Conclusion

Following the disallowance motion passed in NSW Parliament on 26 May 2026, Council is required to ensure it has a Code of Meeting Practice.

It is recommended that Council rescind the 2025 Code of Meeting Practice as the first item on the agenda, and reinstate Council's previously adopted Code of Meeting Practice containing the mandatory provisions of the 2021 Model Code of Meeting Practice, and supplementary provisions.

Attachments

1. Email from Brett Whitworth - Office of Local Government - Meeting Code disallowance implications - 28 May 2026[↓](#)
2. To be reinstated - Council Policy - GOV018 - Code of Meeting Practice for Wentworth Shire Council - Adopted 16 July 2025[↓](#)
3. To be rescinded - Council Policy - GOV018 - Code of Meeting Practice for Wentworth Shire Council - Adopted 17 December 2025[↓](#)

From: [Ken Ross](#)
To: [Executive Assistant General Manager](#)
Subject: CM: Fw: Meeting Code disallowance implications
Date: Thursday, 28 May 2026 9:09:23 AM
Attachments: [image002.png](#)

From: Amanda Beaumont <amanda.beaumont@olg.nsw.gov.au> on behalf of Brett Whitworth <brett.whitworth@olg.nsw.gov.au>

Sent: Thursday, May 28, 2026 9:05:21 AM

Subject: Meeting Code disallowance implications

You don't often get email from brett.whitworth@olg.nsw.gov.au. [Learn why this is important](#)

Dear General Manager,

I am writing to inform you that the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025 (**Amendment Regulation**) which prescribed the 2025 Model Code of Meeting Practice for Local Councils in NSW (**2025 Model Meeting Code**) has been disallowed by the Legislative Council.

The decision by the Legislative Council to disallow the regulation raises two immediate issues: under what meeting code will the councils operate and, whether the Government will be progressing another regulation for the purposes of prescribing an updated meeting code.

The practical implications of the disallowance

Under section 41(4) of the *Interpretation Act 1987*, if a regulation ceases to have effect because of its disallowance, and the regulation amended a regulation that was in force immediately before the amending regulation took effect, the disallowance of the amending regulation has the effect of restoring or reviving the previous regulation as of the day of its disallowance.

The disallowance of the Amendment Regulation therefore means that the 2025 Model Meeting Code is no longer prescribed for the purposes of section 360 of the *Local Government Act 1993* (**LG Act**) and the previous 2021 version of the Model Meeting Code now becomes the prescribed version.

Under section 360 of the LG Act, councils' adopted codes of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the prescribed Model Meeting Code. This means that provisions of your council's adopted code of meeting practice based on the now disallowed 2025 Model Meeting Code that are inconsistent with the mandatory provisions of the previous 2021 Model Meeting Code are no longer permissible.

The disallowance of the 2025 Model Meeting Code also means that mandatory provisions of that Code that were not mandated in the previous 2021 Model Meeting Code, are no longer mandatory.

Actions councils should be considering at their next meeting

To minimise confusion about the applicable rules at future meetings and to ensure

compliance with section 360 of the LG Act, as the first item of business at the next meeting, your council should rescind its resolution adopting the 2025 Model Meeting Code. This will have the effect of reinstating your council's previous adopted code of meeting practice containing the mandatory provisions of the 2021 Model Meeting Code. Because more than 3 months have passed since your council adopted its current meeting code, the signatures of 3 councillors are not required to rescind the resolution adopting the code.

Meetings of the council and committees comprising only of councillors should be conducted in accordance with the reinstated version of council's meeting code until such time as it is amended.

The disallowance of the Amendment Regulation does not prevent councils from including supplementary provisions in the reinstated version of their previous meeting code based on the provisions of the 2025 Model Meeting Code, provided they are not inconsistent with the mandatory provisions of the 2021 Model Meeting Code. If your council wishes to make amendments to the reinstated version of its previous meeting code, it will be required to prepare and exhibit a draft code in accordance with section 361 of the LG Act.

Next steps for the Government

The Government had been examining the feedback received from Dr Cohn MLC, the Country Mayors Association and Local Government NSW on the Model Meeting Code, with quite advanced drafting on an updated code. This work will be completed shortly.

Formal advice on a new code will be shared with you when the drafting is complete. In the interim, please share a copy of this email with the Mayor and councillors and your governance staff.

If you or your staff require further information or guidance, please feel free to contact the Office of Local Government's Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Kind Regards,

Brett Whitworth PSM
Deputy Secretary
Local Government

Office of Local Government
Department of Planning, Housing and Infrastructure
T 02 9274 6532 | **M** 0437 868 167 | **E** Brett.Whitworth@olg.nsw.gov.au
Locked Bag 3015, NOWRA NSW 2541

www.olg.nsw.gov.au



The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and

emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of the Office of Local Government, unless otherwise stated.

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WENTWORTH SHIRE COUNCIL

CODE OF MEETING PRACTICE

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

Adopted by Council 16 July 2025

WSC CODE OF MEETING PRACTICE

This Code of Meeting Practice is based on the 2021 Model Code of Meeting Practice for Local Councils in NSW.

ACCESS TO SERVICES

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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

- 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.

- 3.8 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

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 reminding 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.
- 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 pre-meeting 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.
- 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.

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 audio-visual link under this Code

- 5.3 Not Applicable

- 5.4 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.

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 audio-visual 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 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:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (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

- 6.1 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.

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'.
- 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.
- 8.2 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 and an 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 clause 3.7 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
 - (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

- 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 10.1

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.
- 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.
- 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.

Limitations on the number and duration of speeches

- 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
 - (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 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.

- 12.2 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.

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,
- (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.

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 14.9.
- 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 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 **two (2)** minutes 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.

Information to be disclosed in resolutions closing meetings to the public

- 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.
- 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
 - (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).

Note: Clause 15.12 reflects section 233 of the Regulation.

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.

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.

- 15.15 Not Applicable.

- 15.16 Clause 15.14 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.

- 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

- 16.1 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 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.

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.

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.

- 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

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 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

- 20.5 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:
- (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.
- 20.18 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

- 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 IRREGULARITIES

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)

Note: This section has been inserted by Wentworth Shire Council and follows the provisions contained within section 400 of the *Local Government (General) Regulation 2021*.

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 May 2025 Council resolved that the seal be kept in the office of the General Manager.

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.

22.5 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 <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	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 the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the 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 <i>Environmental Planning and Assessment Act 1979</i> 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 order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
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



WENTWORTH SHIRE COUNCIL

CODE OF MEETING PRACTICE

(Policy GOV018, based on the 2025 Model Code of Meeting Practice)

Adopted by Council 17 December 2025

GOV018 WSC Code of Meeting Practice (DOC/25/22665)

WSC CODE OF MEETING PRACTICE

This Code of Meeting Practice is based on the 2025 Model Code of Meeting Practice for Local Councils in NSW.

ACCESS TO SERVICES

Main Administration Office

Wentworth Visitor Centre

Street Address: 61 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.au

Website: 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

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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.

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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 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.

Extraordinary meetings

- 3.2 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 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Notice to the public of council meetings

- 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 must 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.

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, unless the council determines otherwise, 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.

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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.

Questions with notice

- 3.12 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.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.15 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.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - 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
 - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - any business of which due notice has been given under clause 3.10.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 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.

- 3.19 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 3.19 reflects section 9(2A)(a) of the Act.

- 3.20 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.

Availability of the agenda and business papers to the public

- 3.21 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 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.22 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, 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 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4. PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to meetings of the council and committees 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 meetings of other committees of the council.

- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held. ***See Supplementary Provisions for adopted format.***
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

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.

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 The council may determine standards of dress for councillors when attending meetings. ***The standard of dress for Councillors is business casual.***
- 5.3 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 audio-visual link under this code.
- 5.4 [Not applicable – Refers to Joint Organisations/Councils](#)
- 5.5 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 Where a councillor makes an apology under clause 5.5, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.8 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 5.8 reflects section 234(1)(d) of the Act.

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.

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, 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 by the mayor 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:
- give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - 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 where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 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.
- 5.22 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 5.21.
- 5.23 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.
- 5.24 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.
- 5.25 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 the meetings the resolution applies to.

- 5.26 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.
- 5.27 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.
- 5.28 The council and committees of the council may refuse a councillor's request to attend a 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.
- 5.29 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.
- 5.30 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.
- 5.31 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

- 5.32 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 5.32 reflects section 10(1) of the Act.

- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.34 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 5.34 reflects section 10(2) of the Act.

- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: If adopted, clauses 15.15 and 15.16 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 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Livestreaming of meetings

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 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:
- a. the meeting is being recorded and made publicly available on the council's website, and
 - b. persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36 - 5.39 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: Clauses 5.36 – 5.40 reflect section 236 of the Regulation.

- 5.41 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

- 5.42 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 5.42 reflects section 376(1) of the Act.

- 5.43 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 5.43 reflects section 376(2) of the Act.

- 5.44 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 5.44 reflects section 376(3) of the Act.

- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

6. THE CHAIRPERSON

The chairperson at meetings

- 6.1 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.

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:
- any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - every councillor present must be silent to enable the chairperson to be heard without interruption.

7. MODES OF ADDRESS

- 7.1 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

The general order of business for an Ordinary Meeting of Council shall be:

- 1. Opening of Meeting***
 - 2. Prayer or Acknowledgement of Country***
 - 3. Apologies and Applications for Leave of Absence***
 - 4. Disclosures of Interest***
 - 5. Confirmation of Minutes***
 - 6. Outstanding Matters from Previous Meetings***
 - 7. Mayoral and Councillor Reports***
 - 8. Report from Committees***
 - 9. Reports to Council***
 - 10. Notices of Motions / Questions with Notice***
 - 11. Confidential Business – Adjournment into Closed Session***
 - 12. Open Council – Report from Closed Council***
 - 13. Conclusion of the Meeting***
- Next Meeting***

- 8.2 The order of business as fixed under clause 8.1 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.

- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can 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 clause 3.7 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
 - b. is the election of a chairperson to preside at the meeting, or
 - c. 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 of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.

- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 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.

Staff reports

- 9.10 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

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

Questions

- 9.13 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 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 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.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 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.

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, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 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.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 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.
- 10.10 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.
- 10.11 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.
- 10.12 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.

- 10.13 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.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 Despite clause 10.17, 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.
- 10.19 Despite clauses 10.15 and 10.16, 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
 - 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.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 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 10.15.
- 10.22 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.
- 10.23 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.
- 10.24 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.

10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

10.26 Not applicable – Refers to Joint Organisations/Councils

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 – Refers to Joint Organisations/Councils

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 Not selected.

11.7 Not selected.

11.8 Not selected.

11.9 Not selected.

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 All voting at Council meetings, (including meetings that are close to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment (including the use of the casting vote) being recorded.

Note: If clause 11.11 is adopted, clauses 11.6-11.9 and clause 11.15 may be omitted.

Voting on planning decisions

- 11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.14 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.
- 11.15 Not selected.
- 11.16 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.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

Note: Clauses 11.14–11.17 reflect section 375A of the Act.

Note: The requirements of clause 11.14 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.

- 12.2 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 and encouraging councillors and staff to stand when addressing the meeting.

Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

- 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.

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 where it considers it necessary to expedite the consideration of business at a meeting.
- 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 8.2.
- 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.

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,
- 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,
 - c. are fully discussed in that advice, and
 - d. are subject to legal professional privilege.

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 Departmental Chief Executive of the Office of Local Government.

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 3.19 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 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 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.

Expulsion of non-councillors from meetings closed to the public

- 14.13 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.
- 14.14 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

- 14.15 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.

Information to be disclosed in resolutions closing meetings to the public

- 14.16 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 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 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.
- 14.18 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 14.17 during a part of the meeting that is livestreamed where practicable.

- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

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 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

- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 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.
- 15.8 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.
- 15.9 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

- 15.10 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, the Regulation or this code, or
 - 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. uses offensive or disorderly words, or
 - e. makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
 - f. imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
 - g. says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

- 15.11 The chairperson may require a councillor:
- a. to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
 - b. to withdraw a motion or an amendment referred to in clause 15.10(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 15.10(d), (e), (f) or (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

- 15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.
- 15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

- 15.14 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 GOV018 WSC Code of Meeting Practice (DOC/25/22665)

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

15.15 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.

15.16 Not selected.

Note: Councils may use either clause 15.15 or clause 15.16.

15.17 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.

15.18 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 15.11 or clause 15.13. 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 15.18 reflects section 233(2) of the Regulation.

15.19 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.

15.20 Members of the public attending a meeting of the council:

- a. must remain silent during the meeting unless invited by the chairperson to speak,
- b. must not bring flags, signs or protest symbols to the meeting, and
- c. must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.22 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.

15.23 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660

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of the Act carrying a maximum penalty of 20 penalty units.

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

- 15.24 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.
- 15.25 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

- 15.26 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.
- 15.27 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.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16. CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they 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 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 of interest they have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a 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 in accordance with this code.

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 this code.

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.

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 1 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 at the meeting, and
- b. the council resolves to deal with the motion at the meeting on the grounds that it is urgent and 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 any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

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 any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, 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.

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 the time the council has determined, 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.
- 18.3 Clause 18.2 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.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, 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.
- 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.
- 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

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 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

- 20.5 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.

Non-members entitled to attend committee meetings

- 20.8 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

- 20.9 The chairperson of each committee of the council must be:
- 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.
- 20.10 The council may elect a member of a committee of the council as deputy chairperson of the GOV018 WSC Code of Meeting Practice (DOC/25/22665)

committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.11 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.
- 20.12 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. 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

- 20.13 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.
- 20.14 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 20.13.
- 20.15 [Not applicable – Refers to Joint Organisations/Councils](#)
- 20.16 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).

Mayoral minutes

- 20.17 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

- 20.18 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.
- 20.19 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.
- 20.20 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 20.19 during a part of the meeting that is livestreamed where practicable.
- 20.21 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's

website as soon as practicable after the information contained in the business papers ceases to be confidential.

- 20.22 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

- 20.23 The provisions of the Act, the Regulation, and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way they apply to meetings of the council.

Minutes of council committee meetings

- 20.24 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.
- 20.25 Not selected.
- 20.26 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.27 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.
- 20.28 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 20.29 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.
- 20.30 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. IRREGULARITIES

- 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.

SUPPLEMENTARY PROVISIONS

COUNCIL SEAL

Note: *This section has been inserted by Wentworth Shire Council and follows the provisions contained within section 400 of the Local Government (General) Regulation 2021.*

- 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 May 2025 Council resolved that the seal be kept in the office of the General Manager.*
- 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.*
- 22.5** *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.*

Council Acknowledgements – Refer to 3.25 and 8.1

- 23.1 Council Acknowledgements for Council Meetings include a prayer/affirmation and Acknowledgement of Country.**

Giving notice of business to be considered at council meetings (Notice of Motion) – Refer to 3.10

- 24.1 A reasonable time for submitting a notice of motion is defined as 12 pm, seven (7) business days before the meeting is to be held.**

Lay on Table / Defer Items

- 25.1 A procedural device to bring about a temporary adjournment to a debate is to move the motion that the matter LAY ON THE TABLE.**

- a. If carried, the effect of this motion is to stop debate on the substantive motion, plus any proposed amendments to allow more information to be obtained. The matter may lie on the table until such time as a Councillor takes the initiative to give notice for it to be re-listed or if a period of three months has elapsed since the motion was carried by the Council (which ever may be the lesser).**
- b. The motion provides Council the opportunity to defer debate because of a lack of information, to enable an informed decision to be made. The motion, if carried, places the matter in abeyance until the information is provided at a further meeting.**
- c. With regard to the motion ‘that the matter LAY ON THE TABLE’ the following points need to be observed:**
 - i. Does not require a seconder.**
 - ii. The Councillor moving this motion must specify the nature and content of further information required.**
 - iii. There are no further debate or amendments permitted, although the Chairperson may allow up to three questions addressed to the mover of the motion, prior to putting the motion (with the mover providing responses to the questions).**
 - iv. The Chairperson may decline to accept the motion.**
 - v. If not carried, it cannot be reintroduced.**

Public Participation at Council Meetings – Refer to 4.2

- 26.1 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 4.00pm on a Wednesday, notice is to be received by 4pm the Monday prior)**

- 26.2 *A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.*
- 26.3 *A person cannot participate in a meeting of the Council or the Committee of a Council unless personally present at the meeting.*
- 26.4 *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.*
- 26.5 *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.*
- 26.6 *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.*
- 26.7 *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.*
- 26.8 *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.*
- 26.9 *The general manager or their delegate is to determine the order of speakers at the public forum.*
- 26.10 *Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.*
- 26.11 *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.*
- 26.12 *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.*
- 26.13 *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.*
- 26.14 *Speakers at public forums cannot ask questions of the council, councillors or council staff.*
- 26.15 *Where an address made at a public forum raises matters that require further consideration by council staff, the chairperson may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.*

- 26.16** *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.*
- 26.17** *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.*
- 26.18** *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.*
- 26.19** *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.*
- 26.20** *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.*

Webcasting and Recording of Meetings

- 27.1** *No part may be copied or made available to others without prior written permission of Council.*

28. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	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 the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the 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 20.9 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	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
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
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
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 <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

9.2 GENERAL MANAGERS REPORT JUNE 2026

File Number: RPT/26/254

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Ebony Carter - Business Support Officer

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

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

1. OLG Circulars

Council Circular 26-05 2026/27 Determination of the Local Government Remuneration Tribunal
 Council Circular 26-07 Time Series Data 2024-25
 Council Circular 26-08 Consultation on Councillor Conduct Reforms

2. Meetings

As listed.

3. Upcoming meetings or events

As listed.

4. Other items of note

The General Manager is taking leave from 4 July 2025 to 26 July 2026. Under Council's Delegations Policy an Acting General Manager receives the General Managers Delegation by resolution of Council. As such the General Manager recommends to Council that Director Geoff Gunn be the Acting General Manager in his absence.

Recommendation

- a) That Council receive and note the information contained within the June 2026 report from the General Manager.
- b) Appoint Director Geoff Gunn as Acting General Manager from 4 July to 26 July 2026

Detailed Report

1. Circulars

Council Circular 26-05 2026/27 Determination of the Local Government Remuneration Tribunal

What's new or changing?

- The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 3.7% to mayoral and councillor fees for the 2026-27 financial year, with effect from 1 July 2026.

- The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every 3 years under section 239 of the Local Government Act 1993 (the Act). The Tribunal last undertook a significant review of the categories as part of its 2023 determination.
- In undertaking its review this year, the Tribunal concluded that it was necessary to rectify a criteria anomaly identified in the 'Regional Strategic' category established by the 2023 annual determination, and to adjust the population criteria for the 'Major Strategic Area' category, from 300,000 to 200,000.
- The Tribunal found that the allocation of most councils into the current categories continued to be appropriate having regard to the 2023 review, the current category model and criteria, and the evidence put forward in the submissions received. However, the Tribunal has reclassified Dungog Shire Council as 'Rural Large' due to population growth.
- The Tribunal has indicated it will undertake a further review of the categories of councils as part of its 2027 determination.

Council Circular 26-07 Time Series Data 2024-25

What's new or changing?

- The Time Series data for 2024-25 has been released.

Council Circular 26-08 Consultation on Councillor Conduct Reforms

What's new or changing?

- The Office of Local Government (OLG) is inviting feedback from the Local Government sector on the next steps of the NSW Government's proposed reforms to the regulation of councillor conduct.
- The proposed changes are detailed in a Councillor Conduct Reform Policy Statement and a draft Model Code of Conduct for Councillors, which are available on OLG's website: www.olg.nsw.gov.au.

2. Meetings

Following is a list of meetings or events attended by the General Manager from 14 May 2026 – 24 June 2026

Date	Meeting	Purpose	Location
14 May 2026	ARIC Meeting	Meeting to discuss Council's Audit, Risk and Improvement with the minutes of this meeting being considered in RPT/26/254 of this agenda.	Wentworth
15 May 2026	PCG Lightstate FOSO	Fortnightly meeting with Mildura Rural City Council to discuss the operations, directions and key recommendations for TOL+FOSO. Discussion points included: • Updates to the Operational Plan. • Operational days – Approval of Sunday opening June long	Online

		weekend. • Marketing Tender updates • Event bookings and outcomes. • Ticket sales and Distribution points.	
18 May 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community issues, services and infrastructure. Discussion points included: • Inquiry into access restrictions to public lands and waterways • Flood Rally plans • RZ Resources • Clean up of PS Ruby • Meeting with Minister Jenny Aitchison • Lease of old Council Offices • Western Division of Council • Acoustic panelling Pooncarie Hall	Wentworth
25 May 2026	Official Opening Wentworth Health Service	Attended the official opening of Wentworth Health Services at the newly constructed Hospital. The proceedings commenced with an acknowledgement of Country by Aunty Pam Handy.	Wentworth
01 June 2026	Inquiry into Access Restriction to Public Land and Waterways	Attended with Mayor Linklater to provide evidence to the hearing committee. Verbal evidence presented to the hearing to supplement the submission presented to the enquiry in August 2025. The submission is attached.	Sydney
12 June 2026	General Manager Performance Review Committee Meeting	Agreed focus for future actions to meet performance measures of the General Manager.	Wentworth
15 June 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community issues, services and infrastructure. Discussion points included: • Lightstate Committee of Management/FOSO • Code of Meeting Practice	Wentworth

		recission report to the upcoming Council meeting. • Early Settlers Museum application for funding and discussion on building. • PS Ruby	
15 June 2026	Meeting with Cr Evans, Cr Weeding & Robert Hannaford (PS Ruby)	• Access to PS Ruby • Skip and container in place • Friends of the Ruby status • Clean up schedule for volunteers and Council staff	Wentworth
15 June 2026	Meeting with RACV Pre -05 Pioneer Run Rally Director Doug Fulford	• Event set down for 23-26 September 2026 • Event launch in Conference room • Access to FOSO • Red Flag enactment during parade to display at Strother Park • Rotary BBQ during display • Access to Goal and Museum	Wentworth
16 June 2026	Lighstate Committee of Management	Monthly Meeting of the decision-making body for the Light State Project – MRCC and Wentworth Shire Council. Discussion points included: • Ticketing Platform update • Ticket Sales Income • Marketing tender • Joint communications	Mildura
17 June 2026	Club Grants Cat 1 Meeting	Meeting with the Club Grants board to determine recipients of Club Grants Category 1 funding.	Dareton
17 June 2026	FWLHD Public Health Unit Presentation to Councillors - Fluoridation	Far West Local Health district presentation to Councillors on benefits of Fluoridation in the Wentworth Council area.	Wentworth
22 June 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community issues, services and infrastructure.	Wentworth
24 June 2026	Ordinary Council Meeting	Monthly meeting to discuss, debate, and vote on local policies, budgets, and community issues.	Wentworth

3. Events

Following is a list of events, conferences, or committee meetings, including out of region meetings where the Shire has been requested to attend in an official capacity from 25 June 2026 – 15 July 2026.

Date	Meeting	Proposed Attendees	Location
25 June 2026	Wentworth Showgrounds User Group Meeting	Cr Evans & Cr Nichols	Wentworth
30 June 2026	Bush Fire Management Committee Workshop 4	Cr Armstrong & Director Roads and Engineering	Online
04 July 2026	Balloons over Mildura 2026 Night Glow	Mayor	Mildura
06 July 2026	Wentworth Regional Tourism INC	Cr Rodda	Dareton
14 July 2026	Australian Inland Botanic Gardens Meeting	Cr Starick & Cr Rodda	Mildura
15 July 2026	NSW Rural Fire Service Medal Presentation Ceremony	All Councillors	Dareton
15 July 2026	Ordinary Council Meeting	Executive Staff & Councillors	Wentworth

4. Other Items of Note

Attachments

1. Council Circular - 26-05 Determination of the Local Government Remuneration Tribunal [↓](#)
2. Council Circular - 26-07 Time Series Data 2024-25 [↓](#)
3. Council Circular - 28-08 Consultation on Councillor Conduct Reforms [↓](#)
4. Submission to the Inquiry into access restrictions to public lands and waterways [↓](#)

Department of Planning, Housing and Infrastructure
Office of Local Government



Circular to Councils

Subject/title	2026/27 Determination of the Local Government Remuneration Tribunal
Circular Details	Circular 26-05 / 15 May 2026 / A1005478
Previous Circular	<u>Circular 25-10 - 21-05 2025/26 Determination of the Local Government Remuneration Tribunal</u>
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 3.7% to mayoral and councillor fees for the 2026-27 financial year, with effect from 1 July 2026.
- The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every 3 years under section 239 of the *Local Government Act 1993* (the Act). The Tribunal last undertook a significant review of the categories as part of its 2023 determination.
- In undertaking its review this year, the Tribunal concluded that it was necessary to rectify a criteria anomaly identified in the 'Regional Strategic' category established by the 2023 annual determination, and to adjust the population criteria for the 'Major Strategic Area' category, from 300,000 to 200,000.
- The Tribunal found that the allocation of most councils into the current categories continued to be appropriate having regard to the 2023 review, the current category model and criteria, and the evidence put forward in the submissions received. However, the Tribunal has reclassified Dungog Shire Council as 'Rural Large' due to population growth.
- The Tribunal has indicated it will undertake a further review of the categories of councils as part of its 2027 determination.



What will this mean for council?

- Section 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2026 based on the Tribunal's determination for the 2026-27 financial year.

Key points

- The level of fees paid will depend on the category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.
- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

Where to go for further information

- The Tribunal's report and determination is available at:
<https://www.remtribunals.nsw.gov.au/local-government/current-lg-rt-determinations>.
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

A blue ink signature of Brett Whitworth.

Brett Whitworth PSM
Deputy Secretary, Office of Local Government

Department of Planning, Housing and Infrastructure
Office of Local Government



Circular to Councils

Subject	Time Series Data 2024-25
Circular Details	Circular No 26-07 /19 May 2026 / A998200
Previous Circular	N/A
Who should read this	Councillors / General Managers / All council staff
Contact	Performance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

What's new or changing?

- The Time Series data for 2024-25 has been released.

What will this mean for council?

- Councils will be able to monitor their performance against similar or neighbouring councils.

Key points

- For data to be useful, it is important that it is released in a timely manner.
- Some councils have been granted an extension to lodge their financial statements, and this data has not been captured.

Where to go for further information

- The data can be accessed via [Your council reports – Office of Local Government NSW](#)

A blue ink signature of Brett Whitworth.

Brett Whitworth
Deputy Secretary
Office of Local Government

Department of Planning, Housing and Infrastructure
Office of Local Government



Circular to Councils

Subject/title	Consultation on Councillor Conduct Reforms
Circular Details	Circular No 26-08 / 12 June 2026 / A1005891
Previous Circular	<u><i>Circular 24-17 Councillor conduct and meeting practices – a discussion paper</i></u>
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Strategic Reform Team / Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Response to OLG

What's new or changing?

- The Office of Local Government (OLG) is inviting feedback from the Local Government sector on the next steps of the NSW Government's proposed reforms to the regulation of councillor conduct.
- The proposed changes are detailed in a Councillor Conduct Reform Policy Statement and a draft Model Code of Conduct for Councillors, which are available on OLG's website: www.olg.nsw.gov.au.

What will this mean for council?

- Under the proposed new framework, the handling of complaints against councillors will be centralised through OLG ensuring a more consistent, efficient and independent process. This will allow trivial complaints to be dismissed early, ensure serious matters receive timely attention, and remove councils from investigating complaints about their own councillors.
- A new Privileges Committee of experienced mayors and councillors will assess less serious complaints of unsatisfactory councillor conduct, while serious misconduct will be investigated by OLG and, where appropriate, referred to the Land and Environment Court.



- As part of the reforms, the existing Model Code of Conduct for Local Councils in NSW will be split into two with a dedicated code for councillors and a separate code for council staff, delegates and committee members. Breaches of the councillor code will be managed under the new conduct framework.
- The new councillor code has been designed to reflect the political nature of elected councillor roles, support the implied freedom of political communication, simplify conflict-of-interest rules, and remove provisions that could be misused or “weaponised” in complaints.
- The reforms will also modernise how councillors disclose their personal interests, aligning requirements with those applying to Members of NSW Parliament.

Key points

- The proposed changes respond to growing concerns that the current Councillor Conduct Framework has been overwhelmed by trivial and vexatious complaints leading to delays in complaint resolution and undermining confidence in local democracy.
- The changes were foreshadowed in the September 2024 discussion paper, ‘Councillor Conduct and Meeting Practices - A New Framework’. There was broad support for the reforms outlined in the discussion paper.
- The proposed new framework will be finalised following public consultation before legislation is introduced to Parliament.

Where to go for further information

- The Councillor Conduct Reform Policy Statement and the Model Code of Conduct for Councillors are available on the [Councillor Conduct Framework Reform](#) webpage on the Office of Local Government’s website.
- Information about how to make a submission is also available on the [Councillor Conduct Framework Reform](#) webpage.
- For more information, contact OLG by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au. Questions about the Councillor Conduct Reform Policy Statement should be directed to the Strategic Reform Team and questions about the Model Code of Conduct for Councillors to the Council Governance Team.

A blue ink signature of Brett Whitworth, written in a cursive style.

Brett Whitworth PSM
Deputy Secretary, Local Government



Our Reference: DOC/25/16465
Your Reference:
Prepared By: Office of the General Manager
Date: 17 July 2025

The Hon. Mark Banasiak MLC - Chair
Select Committee on Access Restrictions to Public Lands and Waterways
Parliament House
Macquarie Street
SYDNEY NSW 2000

Email: publiclandaccess@parliament.nsw.gov.au

Dear Mr Banasiak

SELECT COMMITTEE INQUIRY ON ACCESS RESTRICTIONS TO PUBLIC LANDS AND WATERWAYS

Thank you for your invitation to provide a submission to the NSW Legislative Council's Select Committee Inquiry into Access Restrictions to Public Lands and Waterways.

By way of background information, the Wentworth Shire is situated in the south-west of New South Wales bordering Victoria and South Australia encompassing an area of approximately 26,000 square kilometres and is the meeting place of Australia's largest and most iconic river systems – the Darling and the Murray Rivers.

The Shire is sparsely populated with the majority of the 7,700 (approx.) residents mostly located in and around the townships of Wentworth, Dareton, Buronga, Gol Gol and the smaller remote town of Pooncarie that is located approximately 120kms north of Wentworth on the Darling River.

The Barkandji people are the main First Nation's people in the Shire. The Barkandji nation of far west NSW holds Native Title rights over 128,000 square kilometres of land pursuant to the *Barkandji Traditional Owners #8 (Part A) v Attorney-General of New South Wales* [2015] FCA 604, determined by the Federal Court of Australia on the 16 June 2015. A significant proportion of this land is located within Wentworth Shire with the Native Title rights and interests managed by the Barkandji Native Title Group Aboriginal Corporation.

Also within the Shire is the Willandra Lakes World Heritage Area encompassing Mungo National Park which is recognised for its cultural, archaeological, landscape, biodiversity and research values at a global level and social, economic and recreational values at the State and regional level.

Uniquely, most land across the Shire is owned by the Crown and administered by NSW Department of Planning, Housing and Industry (Crown Lands) predominately through Western Lands lease agreements. However, Wentworth Shire Council is responsible for the management, pursuant to the *Crown Land Management Act 2016*, of 73 Crown Reserves widely dispersed across the Shire that range from sportsgrounds, childcare facilities, cemeteries, caravan parks, bushland and parks. These are important public open spaces, recreational areas, cultural and social resources that cater to a wide range of local and regional activities.

In addition, much of the Shire's essential infrastructure such as stormwater drainage systems, water supply and sewerage infrastructure is also located in or on Crown land. Whilst not a direct matter for examination by the Committee under the Inquiry's Terms of Reference, Wentworth Shire Council has

encountered significant difficulties obtaining secure land tenure to enable Council to properly operate, maintain and improve this critical public infrastructure. In many cases, Council has been forced to compulsorily acquire land from the Crown simply to access and maintain essential public infrastructure that has been in place for many, many years that was originally constructed by the State.

The acquisition of this land has come at a significant financial cost to Council the result of a culmination of, in our view, poor advice from Crown Lands and the less than transparent and questionable valuation determination practices of Value NSW, including the charging of exorbitant service fees. In one case the Valuer-General charged Council \$18,900.00 in valuation fees to value 39 square metres of land located in a public park. To use 'bush' vernacular, the actions of these two entities of the State has left Wentworth Shire Council feeling like we have been taken for 'mugs'.

In particular, the manner in which Council's legitimate and serious concerns raised with the Valuer-General regarding its conduct concerning a number of valuation determinations have been summarily dismissed without any explanation from Ms Dale or any of her plenipotentiaries is, again in our view, an appalling indictment on a statutory office of the State that holds itself out to be an independent, accountable and transparent public entity. These issues are, of course, best left for Council to raise with the Joint Standing Committee on the Office of the Valuer General. However, given the adverse financial and other resource impacts that this Council has and continues to endure to access Crown land simply to provide fundamental services to the residents of our Shire is worth highlighting for the Committee's information.

In this regard, it is our view that there needs to be developed at the State level a fair and equitable system that operates outside of the compulsory acquisition process whereby Local Government can secure access to Crown land to maintain and improve the critical public infrastructure which it operates. It is fundamentally absurd that a Local Government entity has to buy land from the Crown that is already public land, simply to operate, maintain and improve essential public utility services.

Required Amendment to the *Local Government Act 1993*

Following from the above, it is our position that a council should not be required by the Department of Planning, Housing and Infrastructure to obtain separate authority to occupy Crown land for the purpose of operating, maintaining and improving its existing water supply, sewerage and stormwater drainage works, whether that be by Licence, easement or acquisition. We suggest a simple amendment to s. 59A(1) of the *Local Government Act 1993*, would make redundant these current requirements.

Currently, s. 59A only applies to works "installed in or on land by the council". We think like many other NSW regional councils much of Wentworth Shire Council's water supply, sewerage and stormwater drainage infrastructure was constructed (installed) many years ago by State government agencies responsible for those works at that time. As a result, for the purpose of relying on s. 59A, a council must have "installed" the works to which the section relates. If, like Wentworth Shire Council, a council has not "installed" the works but instead "inherited" the responsibility to maintain the work, it will require a separate authorisation to do so under other legislation such as the *Crown Land Management Act 2016*.

We think the omission of the word "installed" replaced by "operated" in s. 59A(1) would put beyond doubt the ability for councils across the State to carry out this critical infrastructure works without the necessity and expense of acquiring easements or the land upon which these works are located. This after all was the precise reason that s. 59A was introduced into the Local Government Act in 2002.



Our Reference: DOC/25/16465
 Your Reference:
 Prepared By: Office of the General Manager
 Date: 17 July 2025

The other important consequence of the above amendment we propose is that this would align with the non-extinguishment principles of the *Native Title Act 1993* (Cth), whereby councils' critical public infrastructure can be operated and maintained on Crown land without any form of acquisition or occupation that extinguishes Native Title rights.

Undetermined Aboriginal Land Claims

A major impediment to Council being able to access Crown land is the number of undetermined Aboriginal Land Claims (ALCs). Currently there are 66 undetermined ALCs across the Wentworth Shire some of which have been in existence since 2014.

Let me make it very clear, Wentworth Shire Council has no issue with the absolute right of a Local Aboriginal Land Council to make claim to claimable Crown land. Moreover, our issue is with the abject failure of the Minister for Lands and Property to determine these claims in an efficient and timely manner. The consequence of the Minister's continuing failure to determine ALCs in a timely manner is that this "locks up" access to, including preventing any dealings with, the land to which the undetermined claim relates. The result is that this provides no certainty to Aboriginal Land Council claimant or any opportunity, where a claim is successful, for a council like Wentworth Shire to enter into a collaborative partnership for the future use of the land where appropriate to do so.

Another source of frustration is the lack of up-front assessment/verification of ALCs by the Crown. It appears that Crown Lands accepts ALCs with no regard to whether or not the Crown land is *prima facie* claimable. In one instance, this has led to the absurdity where for reasons unknown to Wentworth Shire Council, the intersection of a State Highway and a Main Road which does not sit within any designated or formed road reserve, is the subject of an undetermined ALC. Plainly, a State Highway and Main Road are not "claimable Crown lands" for the purpose of s. 36(1) of the *Aboriginal Land Rights Act 1983*, but none the less a "claim" has been made and accepted. The consequence is that Council unable to carry out the required intersection upgrading work until this area of land is excised from the claim area. Crown Lands response to this debacle is for Council to negotiate with the Local Aboriginal Land Council to lift their claim.

The above again illustrates the entirely unsatisfactory circumstances whereby a local council has to expend significant resources to rectify issues not of its making. This is not only distressing for the Aboriginal Land Council claimant who have to wait years for claims to be determined, but also makes it near impossible for councils like Wentworth Shire to develop and implement capital works programs and strategic land use strategies stifling much needed public infrastructure development for an expanding population.

Crown Land Management

As mentioned above, Wentworth Shire Council is responsible for the management, pursuant to the *Crown Land Management Act 2016*, of 73 Crown Reserves across the Shire. These Reserves are important community assets providing a range of facilities from sportsgrounds, racecourses and showgrounds, recreational parks, cemeteries and bushland.

In the 2024-2025 financial year, Wentworth Shire Council spent in excess of \$3.5 million on maintaining the Crown Reserves it manages and an additional \$2.7 million on capital improvements to these facilities. Yet when it comes to making improvements to these already established public facilities, Council has to obtain "permission" from the Crown to carry out all but minor works on the land. Council is certainly not advocating to be given *carte blanche* in respect to what 'works' can be

carried out in the Crown Reserves it manages, however there should be greater flexibility given to Council Crown land managers beyond what currently exists to determine how these facilities are improved or upgraded, particularly where these works align with the established use of the reserve. As such, the current Minister's deemed consent provisions contained at s. 2.23(2) of the *Crown Land Management Act 2016*, should be expanded to permit councils to provide reasonable new or improved facilities to be built on the Crown land it manages without requiring consent from Crown Lands to do so.

Access to unused Crown Land

A major challenge for Council is accessing unused or unoccupied Crown land to provide for new community facilities as the Shire's population expands in its growth areas of Buronga and Gol Gol.

Much of the Crown land in the Buronga – Gol Gol area is disused Western Murray Irrigation land in the form of redundant drainage basins and irrigation channels which are capable of being rejuvenated to provide for much needed public open space and other community uses. However, there is reluctance by Crown Lands to make this land available to Council outside of the compulsory acquisition process.

The reason for this seems to be that the proposed future use of the land is constrained by the existence of Native Title and/or does not align with the land's dedicated purpose. The simplistic yet cost prohibitive process of compulsory acquisition proffered by the Crown could be avoided by the appointment of Council as the Crown Land manager jointly and severally with the Native Title holders.

Alternatively, the State government should provide specific funding to Local Government to enable councils to negotiate and enter into Indigenous Land Use Agreements with the relevant Native Title group. Funding for this purpose would provide councils with the ability to negotiate directly with the Native Title holders in respect to the access, future uses and management of land. This in turn will provide greater certainty for councils when developing various land use plans and strategies.

Without doubt, the issues which affect access to the State's public land are broad, complex and subject to varying and competing interests. Whilst the issues raised in this submission are necessarily the experiences and challenges discrete to Wentworth Shire Council as a Local Government entity, we are nonetheless of the view that any improvements that can be made to make access to public land less cumbersome, less costly and more equitable particularly in respect to the delivery of public infrastructure and community facilities will benefit all of NSW.

I trust this submission is of assistance to the Committee's Inquiry. Should you require further information or wish to discuss any aspect of this submission in greater detail, please do not hesitate to contact me.

Yours sincerely



KEN ROSS
GENERAL MANAGER

9.3 MONTHLY FINANCE REPORT - MAY 2026

File Number: RPT/26/268

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Vanessa Lock - Finance Officer

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

Strategy: 4.1 A well engaged and informed community

Summary

Rates and Charges collections for the month of May 2026 were \$1,160,575.82. After allowing for pensioner subsidies, the total levies collected are now 87.77%. For comparison purposes 90.02% of the levy had been collected at the end of May 2025. Council currently has \$34,321,218.70 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report for May 2026.

Detailed Report

Purpose

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 May 2026

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 May 2026.

	Combined Bank Account
Cash Balance as at 1 May 2026	\$ 2,717,869.76
Add: Receipts for the Period Ending 31 May 2026 Rates, Debtors, Miscellaneous	\$ 6,647,246.64
Less: Payments for the Period Ending 31 May 2026 Cash Book entries for this Month	\$ 4,189,074.43
Cash Balance of Operating A/C as at 31 May 2026	\$ 5,176,041.97
Trust Fund Balance	\$ 1,145,176.73
Total Investments as at 31 May 2026	\$ 28,000,000.00
TOTAL FUNDS AVAILABLE	\$ 34,321,218.70

Collection of Rates and Charges

Rates and Charges collections for the month of May 2026 were \$ 1,160,575.82. After allowing for pensioner subsidies, the total levies collected are now 87.77%. A summary of the Rates and Charges situation as at 31 May 2026 is as follows:

Note: For comparison purposes 90.02% of the levy had been collected at the end of May 2025.

LEVIES	RATES & CHARGES	
Balance Outstanding at 30 June 2025 - Rates / Water	799,031.20	
Rates and Charges Levied 21 July 2025	11,941,099.57	\$ 12,740,130.77
+ Additional Water Charges	1,558,592.52	
+ Supplementary Rates and Charges	199,225.34	
+ Additional Charges	98,237.36	
- Credit Adjustments	37,207.81	
- Abandonments	25,439.06	\$ 14,533,539.12
DEDUCTIONS		
- Payments	12,597,006.18	
- Less Refunds of Payments	17,242.70	\$ 12,579,763.48
		\$ 1,953,775.64
- Pensioner Subsidy		
Government Subsidy	96,681.71	
Council Subsidy	79,103.21	\$ 175,784.92
RATES/WATER CHARGES OUTSTANDING 31 MAY 2026		\$ 1,777,990.72

Rates/Water write offs and adjustments

The following rates or charges have been written off or adjusted under the delegated authority of the General Manager for the month of May 2026.

Account	Date	Amount	Comment
Rates			
1653-5901	30/04/2026	14.42	Write interest off - Paid rates to incorrect property number
			Ratepayer with a significant rate account requested that interest charges be waived as the 2025/26 rates balance was paid in full, although the payment was received two days after the due date.
2324-3	18/05/2026	98.34	
Debtors			
WARRA	12/05/2026	\$ 159.00	Cancelled hire of meeting room
CLEAN	27/05/2026	\$ 6,394.07	Account issued incorrect at the Landfill
Water			
1481	27/05/2026	\$ 2,028.15	Water meter reading entered incorrectly - error found upon property settlement

Council Loans Report

Name	Institution	Purpose	Interest Rate	Loan Amount	Amount Outstanding	Due Date
Loan 202	ANZ Bank	Civic Centre	3.47% Fixed	\$ 850,000.00	\$ 433,444.88	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,059,177.68	1/06/2033
Loan 204	Bendigo Bank	Buronga Landfill	5.29% Fixed	\$ 1,500,000.00	\$ 1,012,167.48	12/05/2037
CFWC310604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 429,068.07	4/06/2031
CFWC310624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$ 715,242.61	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	2.2% Fixed	\$ 1,500,000.00	\$ 887,276.60	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	1.85% Fixed	\$ 900,000.00	\$ 335,426.00	25/09/2028
Loan 207	National Australia Bank	Willowbend Caravan Park	1.933% Fixed	\$ 3,000,000.00	\$ 2,060,644.26	31/03/2028
CFWC440209	T - Corp	Civic Centre	5.45% Fixed	\$ 4,000,000.00	\$ 3,766,337.11	9/02/2044
CFWC440523	T-Corp	Stormwater	5.73% Fixed	\$ 2,000,000.00	\$ 1,885,821.92	23/05/2044
CFWC440822	T-Corp	Buronga Landfill	5.48% Fixed	\$ 12,000,000.00	\$ 11,479,733.04	22/08/2044
355806	T-corp Loan #5	DTN Packers / BGA ES Hub	5.69% Fixed	\$ 1,000,000.00	\$ 1,000,000.00	28/05/2036
				TOTAL	\$ 25,064,339.65	

Overtime and Travelling

Month	May	Pay Periods	22 & 23					
Overtime from 11 April 2026 to 8 May 2026								
	Time and a Half Includes Time		Double Time		Double Time 1/2		Total	2025/26 Accumulative Total
Department	Hours	Amount	Hours	Amount	Hours	Amount		
Animal Services	16.50	871.21	14.50	\$ 1,029.95	5.50	\$ 488.34	\$ 2,389.50	\$ 17,030.72
Assets							\$ -	\$ 213.92
Building Maintenance							\$ -	\$ 1,453.56
BioSecurity Officer							\$ -	\$ 627.63
Civil	5.50	310.02	0.50	\$ 32.91	2.50	\$ 230.61	\$ 573.54	\$ 6,251.16
Council Roads	346.50	17,566.03	267.00	\$ 18,552.00			\$ 36,118.03	\$ 227,761.39
Depot Store							\$ -	\$ 1,239.76
Finance	2.25	200.32					\$ 200.32	\$ 1,885.71
FOSO	4.50	252.98	5.75	\$ 444.67	20.50	\$ 1,723.18	\$ 2,420.83	\$ 3,024.78
GM's Office	1.00	82.37					\$ 82.37	\$ 5,885.60
Health & Planning							\$ -	\$ 136.17
Indoor Engineers							\$ -	\$ 540.87
IT Support							\$ -	\$ 3,161.95
Landfill Transfer Stations	21.00	1,016.27	21.50	\$ 1,429.63	8.50	\$ 616.45	\$ 3,062.35	\$ 13,172.26
Library			6.00	\$ 486.29			\$ 486.29	\$ 4,523.52
Parks & Gardens	15.50	950.59	18.50	\$ 1,434.95	4.00	\$ 333.25	\$ 2,718.79	\$ 17,251.91
Private Works							\$ -	\$ 7,795.07
RMS Roads	62.00	3,085.53	150.00	\$ 9,899.92			\$ 12,985.45	\$ 59,396.96
Subdivision Officer							\$ -	\$ 411.84
Tourism & Promotion	8.00	430.64	28.00	\$ 2,024.72	24.00	\$ 1,961.67	\$ 4,417.03	\$ 18,076.81
Water & Waste Water	30.00	1,834.48	53.50	\$ 4,465.80	6.00	\$ 528.20	\$ 6,828.48	\$ 105,221.37
Workshop	8.50	569.50	4.00	\$ 357.34			\$ 926.84	\$ 8,418.30
Workshop/Mechanics	3.00	158.51	6.50	\$ 484.48			\$ 642.99	\$ 921.71
Total	524.25	27,328.45	575.75	40,642.66	71.00	5,881.70	\$ 73,852.81	\$ 506,653.10
Travel Allowance								
Department	Kms	Amount						
Water & Waste Water								
Total	0	0						
Grand Total		\$ 73,852.81						

Overtime comments provided by the Director Roads & Engineering

Roads team overtime is associated with:

- Traffic control provided for Sturt Highway traffic accident response & clean up
- Road reconstruction works on External Grant funded projects in Wentworth, Curlwaa & Coomealla

Water team overtime is associated with:

- After hours operation and maintenance of water treatment plants

Conclusion

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

Attachments

Nil

9.4 MONTHLY INVESTMENT REPORT - MAY 2026

File Number: RPT/26/267

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Ned Lamond - Financial Services Coordinator

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

Strategy: 4.4 Manage public resources responsibly and efficiently for the benefit of the community

Summary

As of 31 May 2026, Council had \$28 million invested in term deposits and fixed bonds with \$6,321,218.70 in other cash investments. Council received \$90,469.81 from its investments for the month of May 2026.

In May 2026 Council investments averaged a rate of return of 4.05% and it currently has \$4,427,895.39 of internal restrictions and \$28,748,396.53 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report for May 2026.

Detailed Report**Purpose**

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

Matters under consideration.

As of 31 May 2026, Council had \$34,321,218.70 invested with Six (6) financial institutions and one (1) Treasury Corporation. This is an Increase of \$1,458,172.21 from the previous month.

The investment of surplus funds remains in line with Council's Investment Policy. Council's current cash flow has resulted in the temporary use of some internally restricted funds to assist with day-to-day operational requirements. These funds are designed for specific purposes and will need to be progressively replenished to support future commitments.

While Council continues to meet its operational obligations, this position highlights the importance of maintaining a balanced and measured financial approach over the coming 12-24 months. In this context, careful consideration will be given to discretionary expenditure, with a focus on prioritising essential services and supporting the gradual restoration of internal reserves.

Interest Received from Cash Investments in May 2026

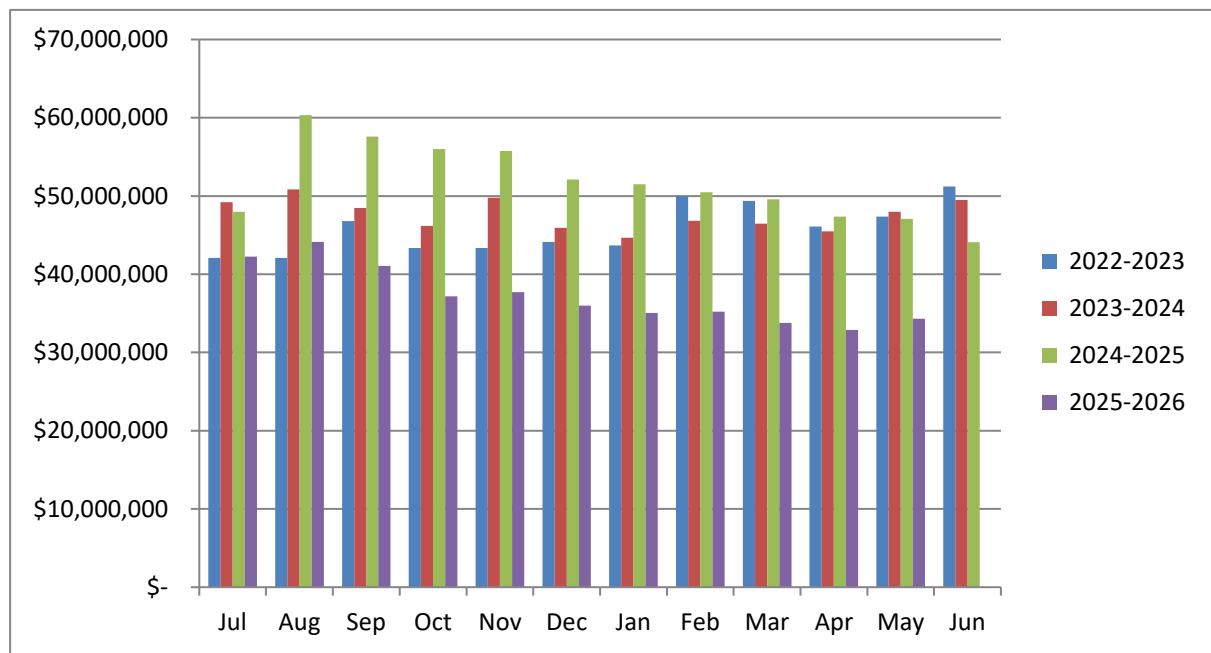
26 deposits matured or provided interest in May earning Council \$90,469.81 in interest. The Original budget for May was \$190,083.33 however the amended budget for investment income approved in the 3rd Quarter QBRS is now \$128,750.00 a month. Year to date Council has received \$1,656,068.96 in interest based on cash accounting compared to the amended budget of \$1,416,250.00

Expired investments are now shown in the attached report along with a summary of accrued interest. The budget for the financial year was set at \$2,281,000.00 and amended in the Q3 QBRS to \$1,545,000.00.

Restrictions

Internal Restrictions		
- Employee Entitlements	\$2,449,411.00	
- Future Development Reserve	\$0	
- Trust Account	\$1,184,484.39	
- Capital Projects Reserve	\$0	
- Plant Replacement Reserve	\$0	
- Landfill Reserve	\$794,000.00	\$4,427,895.39
External Restrictions		
- Water Fund	\$11,633,770.59	
- Sewer Fund	\$7,511,653.99	
- T-Corp Storm Water Loan Balance	\$2,259,944.00	
- T-Corp Land Loan Balance	\$1,000,000.00	
- Developer Contributions Reserve	\$1,321,127.89	
- Unexpended Grants	\$4,186,914.78	
- Crown Reserves Reserve	\$222,399.65	
- Prepayments Cemeteries	\$612,065.66	\$28,748,396.53
Day to Day Liquidity		\$1,144,926.78
Total Funds Available		\$34,321,218.70

Total Funds Invested



Summary – Unexpended Grants as at 31 May 2026

Grant	Amount	Expiry
OLG Flood Recovery Grants	\$463,478.19	30/06/2026
Crown Reserve Improvement Fund Astronomy Park	\$377,473.65	30/06/2026
Main Roads Block Grant	\$827,729.48	30/06/2026
Regional Emergency Road Repair Program	\$2,518,233.46	31/10/2027
Total	\$4,186,914.78	

Conclusion

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

Attachments

1. Yield Hub Report - May 2026 [📄](#)



Wentworth Shire Council

Holdings Report

As At 31st of May, 2026

Important Disclaimer



Disclaimer

This document is for informational purposes only and is intended for wholesale investors as defined under the Corporations Act 2001 (Cth). It does not constitute financial advice, an offer, solicitation, or recommendation to buy, sell, or hold any financial products.

While reasonable care has been taken to ensure the accuracy of the information, we make no representations or warranties as to its completeness, reliability, or fitness for any purpose. Any opinions, estimates, or assumptions contained in this document are subject to change without notice.

Before making any investment decision, you should seek independent financial, legal, and tax advice to determine the appropriateness of any information in the context of your own circumstances.

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Regulatory Information

The YieldHub platform is powered by Curve Securities Ltd.
ABN 94 143 558 598 | AFS Licence 405751
Phone: (02) 9690 2188 | Curve: 1300 128 783 | Email: yield@curve.com.au
Suite 1801, Level 18, 1 Bligh St, Sydney, NSW, 2000

Portfolio Performance Dashboard as at 31/05/2026

 Portfolio Cost \$28,000,000	 Portfolio Value \$28,000,000	 Unrealised Gain/Loss \$0	 Weighted Avg. Term 30.1 days
 Weighted Avg. Yield 4.1879%	 May 2026 Interest \$90,470	 FY26 Interest \$1,712,300	 Accrued Interest \$92,386

Portfolio metrics current as of reporting date

Investment Distribution by Value



Investments as at 31/05/2026



This chart shows the distribution of investments by product type based on current portfolio value.

Values used: Term Deposits use Consideration value. NCDs use Consideration value. Bonds use Gross Value (market value including accrued interest at month end). Cash Accounts use Current Balance.



TERM DEPOSITS (28) | Total Consideration (excl. accrued): \$28,000,000

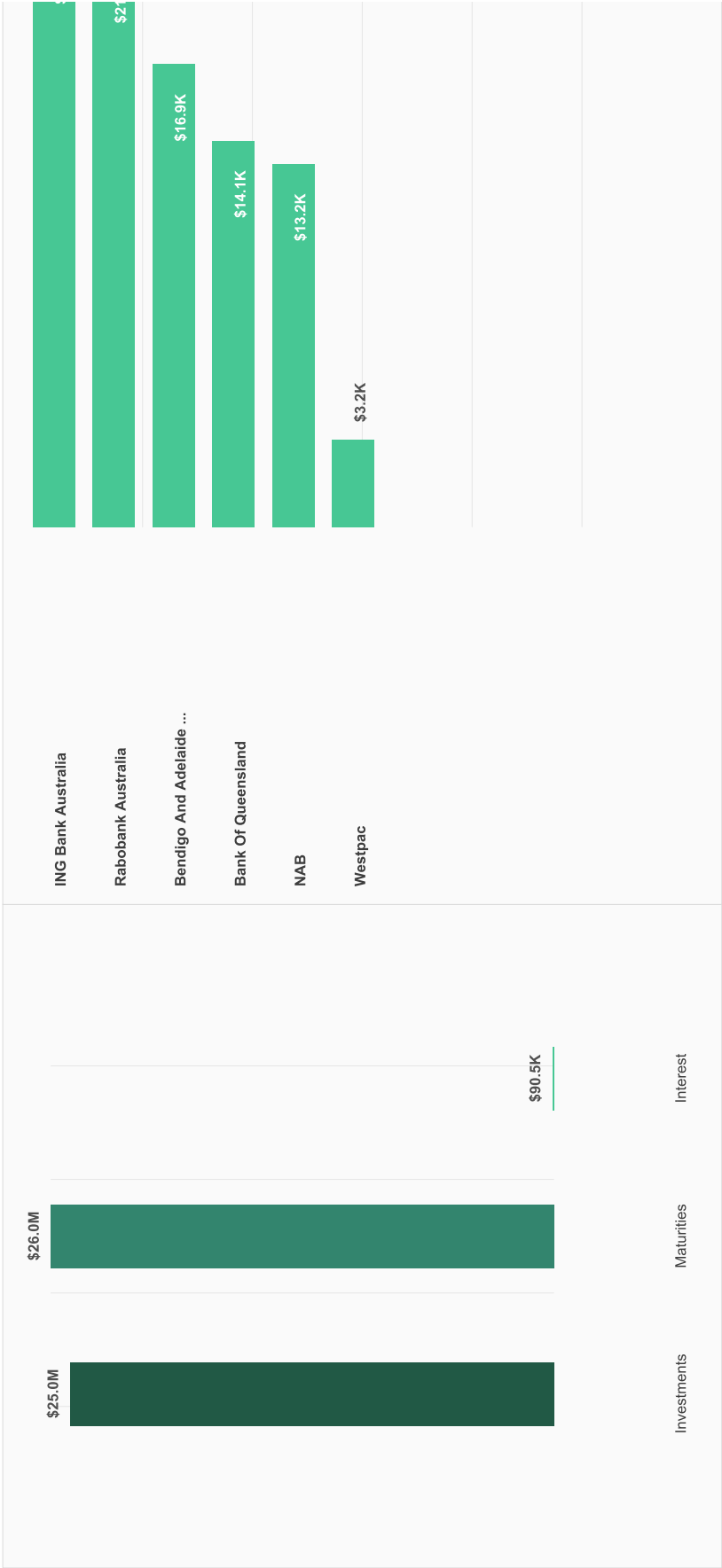
INVESTMENT	INSTITUTION	S&P RATING	CONSID.	SETTLE DATE	TERM	MATURITY	YIELD	INT. FREQ.	INT. ACCRUED	TOTAL INT.	NEXT PMT	FOSSIL STATUS	COMMENT
CN# 109651 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	29/05/2026	31	29/06/2026	4.1000%	At maturity	Monthly: \$336.99 Total: \$336.99	\$3,482.19	29/06/2026	Fossil Free	
CN# 109587 Wentworth Shire Council	Westpac	A-1+ / AA-	\$1,000,000	28/05/2026	32	29/06/2026	4.0200%	At maturity	Monthly: \$440.55 Total: \$440.55	\$3,524.38	29/06/2026	Not Fossil Free	
CN# 109586 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	28/05/2026	32	29/06/2026	4.4500%	At maturity	Monthly: \$487.67 Total: \$487.67	\$3,901.37	29/06/2026	Not Fossil Free	
CN# 109585 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	28/05/2026	32	29/06/2026	4.4500%	At maturity	Monthly: \$487.67 Total: \$487.67	\$3,901.37	29/06/2026	Not Fossil Free	
CN# 109461 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	25/05/2026	31	25/06/2026	4.1000%	At maturity	Monthly: \$786.3 Total: \$786.3	\$3,482.19	25/06/2026	Fossil Free	Bendigo (
CN# 109460 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	25/05/2026	31	25/06/2026	4.2500%	At maturity	Monthly: \$815.07 Total: \$815.07	\$3,609.59	25/06/2026	Fossil Free	
CN# 109459 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	25/05/2026	31	25/06/2026	4.2500%	At maturity	Monthly: \$815.07 Total: \$815.07	\$3,609.59	25/06/2026	Fossil Free	
CN# 109326 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	18/05/2026	31	18/06/2026	4.0500%	At maturity	Monthly: \$1,553.42 Total: \$1,553.42	\$3,439.73	18/06/2026	Not Fossil Free	
CN# 109325 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	18/05/2026	31	18/06/2026	4.4500%	At maturity	Monthly: \$1,706.85 Total: \$1,706.85	\$3,779.45	18/06/2026	Not Fossil Free	
CN# 109324 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	18/05/2026	31	18/06/2026	4.3000%	At maturity	Monthly: \$1,649.32 Total: \$1,649.32	\$3,652.05	18/06/2026	Not Fossil Free	
CN# 109274 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	14/05/2026	32	15/06/2026	4.4500%	At maturity	Monthly: \$2,194.52 Total: \$2,194.52	\$3,901.37	15/06/2026	Not Fossil Free	
CN# 109271 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	14/05/2026	32	15/06/2026	4.1000%	At maturity	Monthly: \$2,021.92 Total: \$2,021.92	\$3,594.52	15/06/2026	Not Fossil Free	
CN# 109191 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	11/05/2026	30	10/06/2026	4.1900%	At maturity	Monthly: \$2,410.68 Total: \$2,410.68	\$3,443.84	10/06/2026	Not Fossil Free	
CN# 109189 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	11/05/2026	31	11/06/2026	4.1000%	At maturity	Monthly: \$2,358.9 Total: \$2,358.9	\$3,482.19	11/06/2026	Fossil Free	
CN# 109188 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	11/05/2026	31	11/06/2026	4.1000%	At maturity	Monthly: \$2,358.9 Total: \$2,358.9	\$3,482.19	11/06/2026	Fossil Free	
CN# 109186 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	11/05/2026	31	11/06/2026	4.1000%	At maturity	Monthly: \$2,358.9 Total: \$2,358.9	\$3,482.19	11/06/2026	Fossil Free	
CN# 109185 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	11/05/2026	31	11/06/2026	4.2500%	At maturity	Monthly: \$2,445.21 Total: \$2,445.21	\$3,609.59	11/06/2026	Fossil Free	
CN# 109184 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	11/05/2026	31	11/06/2026	4.1000%	At maturity	Monthly: \$2,358.9 Total: \$2,358.9	\$3,482.19	11/06/2026	Not Fossil Free	
CN# 109158 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.4500%	At maturity	Monthly: \$2,926.03 Total: \$2,926.03	\$4,023.29	10/06/2026	Not Fossil Free	
CN# 109157 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.4500%	At maturity	Monthly: \$2,926.03 Total: \$2,926.03	\$4,023.29	10/06/2026	Not Fossil Free	

Term Deposits (continued)

INVESTMENT	INSTITUTION	S&P RATING	CONSID.	SETTLE DATE	TERM	MATURITY	YIELD	INT. FREQ.	INT. ACCRUED	TOTAL INT.	NEXT PMT	FOSSIL STATUS	COMMENT
CN# 109156 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.3000%	At maturity	Monthly: \$2,827.4 Total: \$2,827.4	\$3,887.67	10/06/2026	Not Fossil Free	
CN# 109155 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.3000%	At maturity	Monthly: \$2,827.4 Total: \$2,827.4	\$3,887.67	10/06/2026	Not Fossil Free	
CN# 109154 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.3000%	At maturity	Monthly: \$2,827.4 Total: \$2,827.4	\$3,887.67	10/06/2026	Not Fossil Free	
CN# 109153 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.3000%	At maturity	Monthly: \$2,827.4 Total: \$2,827.4	\$3,887.67	10/06/2026	Not Fossil Free	
CN# 109152 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	08/05/2026	33	10/06/2026	4.3000%	At maturity	Monthly: \$2,827.4 Total: \$2,827.4	\$3,887.67	10/06/2026	Not Fossil Free	
CN# 098683 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	19/01/2026	182	20/07/2026	4.4500%	At maturity	Monthly: \$3,779.45 Total: \$16,215.07	\$22,189.04	20/07/2026	Fossil Free	
CN# 068928 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	04/12/2023	1095	03/12/2026	5.2500%	Annually	Monthly: \$4,458.9 Total: \$25,746.58	\$157,500	03/12/2026	Fossil Free	
CN# 054172 Wentworth Shire Council	Northern Territory Treasury Corporation (Territory Bonds)	NR / AA-	\$1,000,000	16/09/2021	1916	15/12/2026	1.3500%	Quarterly	Monthly: \$1,146.58 Total: \$2,847.95	\$70,865.75	16/06/2026	Not Stated	

TRANSACTION TOTALS

INTEREST PAYMENTS BY COUNTERPARTY



Transaction Summaries by Counterparty (01/05/2026 to 31/05/2026)

Investments	
Counterparty	Amount
Rabobank Australia	\$6,000,000
ING Bank Australia	\$6,000,000
Bendigo And Adelaide...	\$5,000,000
NAB	\$4,000,000
Bank Of Queensland	\$3,000,000
Westpac	\$1,000,000
TOTAL	\$25,000,000

Maturities	
Counterparty	Amount
Rabobank Australia	\$6,000,000
ING Bank Australia	\$6,000,000
Bendigo And Adelaide...	\$5,000,000
NAB	\$4,000,000
Bank Of Queensland	\$4,000,000
Westpac	\$1,000,000
TOTAL	\$26,000,000

Interest Payments	
Counterparty	Amount
ING Bank Australia	\$21,886.58
Rabobank Australia	\$21,191.78
Bendigo And Adelaide...	\$16,882.19
Bank Of Queensland	\$14,091.78
NAB	\$13,244.93
Westpac	\$3,172.6
TOTAL	\$90,469.86

Transaction Summaries by Investment Type (01/05/2026 to 31/05/2026)

Investments		Maturities		Interest Payments	
Investment Type	Amount	Investment Type	Amount	Investment Type	Amount
Term Deposit	\$25,000,000.00	Term Deposit	\$26,000,000.00	Term Deposit	\$90,469.86
TOTAL	\$25,000,000.00	TOTAL	\$26,000,000.00	TOTAL	\$90,469.86

Portfolio Performance Summary As at 31/05/2026



Time Period	Term Deposits	Total Avg Yield	RBA Cash	1m BBSW	3m BBSW	AusBond Bank Bill	AusBond Annualised	vs RBA	vs 1m BBSW	vs 3m BBSW	vs AusBond
As At 31/5/2026	4.19%	4.19%	4.10%	4.30%	4.46%	10437.534	---	+0.09%	-0.11%	-0.27%	---
1m	4.05%	4.05%	4.10%	4.20%	4.37%	0.00%	0.00%	-0.05%	-0.15%	-0.32%	+4.05%
3m	3.80%	3.80%	3.85%	3.81%	3.99%	0.66%	2.62%	-0.05%	-0.01%	-0.19%	+1.18%
6m	3.61%	3.61%	3.60%	3.55%	3.66%	1.57%	3.14%	+0.01%	+0.06%	-0.05%	+0.47%
12m	4.52%	4.52%	3.85%	3.75%	3.73%	3.43%	3.43%	+0.67%	+0.77%	+0.79%	+1.09%

UNDERSTANDING YOUR PERFORMANCE DATA:

- Portfolio Weighted Average Yield: Your yield is calculated by examining each investment and weighting its contribution based on its size relative to your total portfolio. Larger investments have greater influence on the overall portfolio yield.
- Benchmark Comparisons: The "vs" columns show how your portfolio yield compares to standard market references, helping you understand whether your investment strategy is delivering returns above or below alternatives. Green values indicate outperformance.
- Time Periods: Rows labeled "1m", "3m", "6m", and "12m" represent historical lookback periods from your report date, allowing you to track how your portfolio and market yields have changed over time and evaluate long-term performance.

Note: Historical performance data is provided for informational purposes only and does not guarantee future results.

9.5 ADOPTION OF THE 2026/2030 DELIVERY PROGRAM - 2026/2027 OPERATIONAL PLAN

File Number: RPT/26/260

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Simon Rule - Director Corporate Services

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

Following the presentation of the Draft 2026/2027 Operational Plan to the May Ordinary Council Meeting, the Draft Plan was placed on public exhibition for 28 days as required under the *Local Government Act*.

Council is now required to consider all submissions received prior to adopting the 2026/2027 Operational Plan. This includes the following:

- The 2026/2026 Annual Statement of Revenue and the Annual Fees and Charges.
- The making and levying of rates and charges including
 - 3.20% increase in the Ordinary rate for 2026/2027.
 - 3.70% increase in Sewer Access Charges for 2026/2027.
 - 3.70% increase in Water Access Charges for 2026/2027.
 - Increase in Domestic Waste Charges for 2026/2027 in line with the provision of new services.
 - 3.70% increase in Water Consumption Charges for 2026/2027.
 - Charge the maximum interest on overdue rates and charges

Recommendation

That Council adopts the 2026-2030 Operational Plan as amended, having considered submissions received;

That Council resolves to increase the General rate for the 2026/2027 year by the maximum 3.20% rate pegged amount as determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);

That Council resolves to make and levy an ordinary rate to comprise of a base rate and an ad valorem rating structure for Residential, Business and Farmland categories of rates under Sections 534, 535 & 537 of the *Local Government Act 1993* (NSW) for the 2026/2027 year including:

Farmland category

Includes all of the lands within the local government area of Wentworth categorised as Farmland except those parcels of rateable land sub categorised as Farmland, Dry Land Grazing and Farmland, Licence/Pump Site/Pipeline

Farmland

- An ordinary rate of 0.00229167 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, in accordance with Section 515 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$600.00) for each assessment. The base amount accounts for 29.06% of the estimated yield for this category. The estimated yield for this rate is \$1,433,076

Farmland – Dry Land Grazing

- An ordinary rate of 0.00180339 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, sub categorised Dry Land Grazing in accordance with Section 515 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$600.00) for each assessment. The base amount accounts for 17.01% of the estimated yield for this category. The estimated yield for this rate is \$938,274

Farmland, Licence/Pump Site/Pipeline

- An ordinary rate of 0.04285573 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, sub categorised Licence/Pump Site/Pipeline, in accordance with Section 515 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$95.00) for each assessment. The base amount accounts for 37.66% of the estimated yield for this category. The estimated yield for this rate is \$18,921

Residential Category**Wentworth**

- An ordinary rate of 0.00427538 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Residential, sub categorised Wentworth, in accordance with Section 516 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to base amount of (\$240.00) for each assessment. The amount accounts for 35.95% of the estimated yield for this category. The estimated yield for this rate is \$418,611

Buronga

- An ordinary rate of 0.00336258 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Buronga, in accordance with Section 516 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$260.00) for each assessment. The base amount accounts for 24.50% of the estimated yield for this category. The estimated yield for this rate is \$604,860

Gol Gol

- An ordinary rate of 0.00365342 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Gol Gol, in accordance with Section 516 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$260.00) for each assessment. The base amount accounts for 21.91% of the estimated yield for this category. The estimated yield for this rate is \$890,010

Gol Gol East

- An ordinary rate of 0.00337775 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Gol Gol East, in accordance with Section 516 of the Local Government Act, 1993 be

now made for the 2026/2027 rating period, subject to a base amount of (\$360.00) for each assessment. The base amount accounts for 19.84% of the estimated yield for this category. The estimated yield for this rate is \$540,622

Pooncarie

- An ordinary rate of 0.01961801 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Residential, sub categorised Pooncarie, in accordance with Section 516 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 43.33% of the estimated yield for this category. The estimated yield for this rate is \$25,204

Dareton

- An ordinary rate of 0.00959530 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Dareton, in accordance with Section 516 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 40.94% of the estimated yield for this category. The estimated yield for this rate is \$96,443

Rural Residential

- An ordinary rate of 0.00269527 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Rural Residential, in accordance with Section 516 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 22.35% of the estimated yield for this category. The estimated yield for this rate is \$658,572

Business Category

Includes all of the lands within the local government area of Wentworth categorised as Business except those parcels of rateable land sub categorised as Business, Mourquong; Business, Trentham Cliffs; Business, Arumpo; Business, Wentworth; Business, Pooncarie (including all of the lands within the locality of Pooncarie sub categorised as Business Pooncarie except those lands within the township of Pooncarie).

Business

- An ordinary rate of 0.00424881 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, in accordance with Section 518 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$270.00) for each assessment. The base amount accounts for 15.63% of the estimated yield for this category. The estimated yield for this rate is \$381,695

Business, Wentworth

- An ordinary rate of 0.00956230 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Wentworth, in accordance with Section 518 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$270.00) for each assessment. The base amount accounts for 33.86% of the estimated yield for this category. The estimated yield for this rate is \$43,058

Business, Mourquong

- An ordinary rate of 0.09794355 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Mourquong, in accordance with Section 518 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$100.00) for each assessment. The base amount accounts for 0.04% of the estimated yield for this category. The estimated yield for this rate is \$486,000

Business, Trentham Cliffs

- An ordinary rate of 0.00535371 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Trentham Cliffs, in accordance with Section 518 of the Local Government Act 1993, be now made for the 2026/2027 rating period, subject to a base amount of (\$120.00) for each assessment. The base amount accounts for 3.46% of the estimated yield for this category. The estimated yield for this rate is \$13,870

Business, Arumpo

- An ordinary rate of 0.07113887 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Arumpo, in accordance with Section 518 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 1.23% of the estimated yield for this category. The estimated yield for this rate is \$119,774

Business, Pooncarie

- An ordinary rate of 0.07907677 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Business, sub categorised Pooncarie, in accordance with Section 518 of the Local Government Act, 1993 be now made for the 2026/2027 rating period, subject to a base amount of (\$100.00) for each assessment. The base amount accounts for 0.03% of the estimated yield for this category. The estimated yield for this rate is \$616,208

That Council resolves to make and levy fees and charges for Sewer Services for 2026/2027 year as set out in the Annual Statement of Revenue;

That Council resolves to make and levy fees and charges for Water Services for 2026/2027 year as set out in the Annual Statement of Revenue;

That Council resolves to make and levy a Domestic Waste Management charge for 2026/2027 year under Section 496 of the *Local Government Act 1993* (NSW) on each parcel of rateable land of which the service is available as set out in the Annual Statement of Revenue;

That Council resolves to fix the fees and charges as set out in the Annual Statement of Revenue; and

That Council resolves to charge the maximum interest on overdue rates and charges as determined by the Minister for Local Government.

Detailed Report

Purpose

The purpose of this report is to adopt the 2026/2027 Operational Plan and Budget and the making and levying rates and annual charges for 2026-2027 as required by the Local Government Act.

Background

In accordance with the *Local Government Act 1993* (NSW), Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken in that year, as part of the Delivery Program.

The Operational Plan includes the Annual Statement of Revenue, in accordance with the Regulations.

The Operational Plan must be prepared as a sub-set of the Delivery Program. It must directly address the actions outlined in the Delivery Program and identify projects, programs or activities that the council will undertake within the financial year towards addressing these actions.

The Operational Plan must include a detailed budget for the activities to be undertaken in that year.

Matters under consideration

Following the May Ordinary Council Meeting, the Draft 2026/2027 Operational Plan was placed on public exhibition for 28 days as required by the *Local Government Act 1993* (NSW).

Council is now required to consider all submissions received prior to formally resolving to adopt the 2026/2027 Operational Plan, make and levy Rates and Charges, and set the schedule of Fees and Charges for the 2026/2027 financial year.

At the time of writing this report there had been no submissions made by the public.

Each rate and charge is to be made by resolution of Council and is to be made for a specified year. In order for the rate or charge to be collected it must have been made by a resolution of Council before 1 August in the year for which the rate or charge is made.

The making and levying of rates and charges are made in accordance with the *Local Government Act 1993* for the 2026/2027 financial year and includes the maximum rate of increase for the Ordinary rate which is the pegged amount of 3.20%

Council proposes to levy an ordinary rate for the following categories and sub-categories:

- Farmland
- Farmland – Dry Land Grazing
- Farmland – Licence/Pump Site/Pipeline
- Residential – Wentworth
- Residential – Buronga
- Residential - Gol Gol
- Residential - Gol Gol East
- Residential – Pooncarie
- Residential – Dareton
- Residential - Rural Residential
- Business
- Business – Wentworth

Council proposes to levy fees and charges for the following as set out in the annual statement of revenue:

- Sewer Services for the 2026/2027 year
- Water Services for the 2026/2027 year
- A Domestic Waste Management charge for the 2026/2027 year under Section 496 of the *Local Government Act 1993* (NSW) on each parcel of rateable land of which the service is available
- Fix the fees and charges schedule for the 2026/2027 year

The budget has been prepared taking into consideration the requirements of Section 8B of the LG Act – Principles of sound financial management including the following:

- Council spending should be responsible and sustainable, aligning general revenue and expenses
- Council should have regard to achieving intergenerational equity, including ensuring the following:
 - Policy decisions are made after considering their financial effects on future generations; and
 - The current generation funds the costs of its services.

Update from the draft documents

Since the documents went on public display there have been minor administrative updates made to the documents.

There have been a number of changes made to budget for 2026/2027 to better reflect information that has been received or clarified since the draft budget was prepared.

The changes to budget have resulted in the following:

Description	Amount
Increase in Landfill Capital Budget	\$157,745
Decrease in Plant Replacement Budget	\$130,000
Increase in Water Annual Charges	\$112,723
Increase in Water Capital Budget	\$112,723
Increase in Sewer Annual Charges	\$85,825
Increase in Sewer Capital Budget	\$85,825

The increase in Water and Sewer Annual Charges reflects the resolution from the May Meeting to increase the Annual Charges from 3.20% to 3.70%. In addition between when the draft budget was compiled and the finalisation of the budget for this report there was an additional 113 Water Assessment and 141 Sewer Assessments added.

Legal, strategic, financial or policy implications

Council has complied with its strategic and legislative responsibilities under the *Local Government Act* to review and update its Integrated Planning and Reporting documentation.

Each rate and charge is to be made by resolution of Council and is to be made for a specified year. In order for the rate or charge to be collected it must have been made by a resolution of Council before 1 August in the year for which the rate or charge is made.

Conclusion

It is recommended that Council:

- Adopt the 2026/2027 Operational Plan and Budget as amended;
- Resolve to increase the rate income for the 2026/2027 year by the maximum 3.20% rate pegged amount determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART);
- Resolve to make and levy an ordinary rate to comprise of a base rate and an ad valorem rating structure for Residential, Business and Farmland categories of rates under Section 534, 535 & 537 of the *Local Government Act 1993* for the 2026/2027 year;

- Resolve to make and levy fees and charges for Sewer Services for 2026/2027 year as set out in the annual statement of revenue;
- Resolve to make and levy fees and charges for Water Services for 2026/2027 year as set out in the annual statement of revenue;
- Resolve to make and levy a Domestic Waste Management charge for 2026/2027 year under Section 496 of the *Local Government Act 1993* on each parcel of rateable land of which the service is available as set out in the annual statement of revenue;
- Resolve to fix the fees and charges schedule for 2026/2027 year as set out in annual statement of revenue; and
- Resolve to charge the maximum interest on overdue rates and charges as determined by the Minister for Local Government

The final version of the Integrated Planning and Reporting documentation must be uploaded to Council's website within 28 days of being approved.

Attachments

1. 2026/2027 Operational Plan [↓](#)

Operational Plan 2026/2027



Wentworth SHIRE COUNCIL



INTERPRETER SERVICES

**MAHALAGA | FILIPINO**

Kung kailangan mo ng tulong sa pagbabasa at pag-unawa sa dokumentong ito, ang mga kawani ng customer service ng Wentworth Shire Council ay masaya na tumulong sa pag-aayos ng isang libreng serbisyo ng interpretasyon. Upang ayusin ang isang interpreter, mangyaring makipag-ugnayan sa Council sa 03 5027 5027, o bisitahin ang isang Council Office na nakalista sa ibaba.

**IMPORTANT | FRANÇAIS**

Si vous avez besoin d'aide pour lire et comprendre ce document, le personnel du service client du Wentworth Shire Council se fera un plaisir de vous aider à organiser un service d'interprétation gratuit. Pour organiser un interprète, veuillez contacter le Conseil au 03 5027 5027 ou visitez un bureau du Conseil indiqué ci-dessous.

**ΣΗΜΑΝΤΙΚΟ | ΕΛΛΗΝΙΚΟ**

Εάν χρειάζεστε βοήθεια για την ανάγνωση και την κατανόηση αυτού του εγγράφου, το προσωπικό εξυπηρέτησης πελατών του Wentworth Shire Council είναι πρόθυμο να σας βοηθήσει στη διευθέτηση μιας δωρεάν υπηρεσίας διερμηνείας. Για να κανονίσετε έναν διερμηνέα, επικοινωνήστε με το Δήμο στο 03 5027 5027 ή επισκεφθείτε ένα Γραφείο του Συμβουλίου που αναφέρεται παρακάτω.

**IMPORTANTE | ITALIANO**

Se hai bisogno di assistenza per leggere e comprendere questo documento, il personale del servizio clienti del Wentworth Shire Council sarà lieto di assisterti nell'organizzazione di un servizio interpretativo gratuito. Per organizzare un interprete, contattare il Comune allo 03 5027 5027 o visitare uno degli uffici del Comune elencati di seguito.

**PENTING | MELAYU**

Jika anda memerlukan bantuan membaca dan memahami dokumen ini, kakitangan perkhidmatan pelanggan Wentworth Shire Council berbesar hati untuk membantu dalam pengaturan perkhidmatan tafsiran percuma. Untuk mengatur jurubahasa, sila hubungi Majlis di 03 5027 5027, atau lawati Pejabat Majlis yang disenaraikan di bawah.

**重要 | 普通话 (简体中文)**

如果您在阅读和理解本文件时需要帮助, 温特沃斯郡议会的客户服务人员很乐意协助安排免费口译服务。如需安排口译员, 请致电 03 5027 5027 联系议会, 或前往下列议会办公室。

**महत्वपूर्ण | अंगरेजी**

जेकर उतां ईस दस्तावेज तू पढ़न अउ समझ वॉचि सगइया दी लेज है, उं वैन्टवर्थ शायर काउंसिल दे ग्राहक सेवा सटाफ़ ईक मुफ़्त वॉआषाआ सेवा दे पुरबष वॉचि सगइया करन लई पुस हन। दुआसीए दा ईउसाम करन लई, करिपा करके 03 5027 5027 'उं काउंसिल नाल संपरक करे, जं हेठं सुचीबष कसि काउंसिल दइउर 'उं जाए।

**สำคัญ | แบบไทย**

หากคุณต้องการความช่วยเหลือในการอ่านและทำความเข้าใจเอกสารนี้ เจ้าหน้าที่บริการลูกค้าของ Wentworth Shire Council ยินดีให้ความช่วยเหลือในการจัดการบริการสามฟรี หากต้องการจัดเตรียมล่าม โปรดติดต่อสภาที่ 03 5027 5027 หรือไปที่สำนักงานสภาตามรายการด้านล่าง

**ÖNEMLİ | TÜRKÇE**

Bu belgeyi okuma ve anlama konusunda yardıma ihtiyacınız varsa, Wentworth Shire Belediyesi'nin müşteri hizmetleri personeli, ücretsiz tercümanlık hizmetinin ayarlanmasında yardımcı olmaktan mutluluk duyacaktır. Bir tercüman ayarlamak için lütfen 03 5027 5027 numaralı telefondan Belediye ile iletişime geçin veya aşağıda listelenen bir Belediye Ofisini ziyaret edin.

**QUAN TRỌNG | TIẾNG VIỆT**

Nếu bạn cần trợ giúp để đọc và hiểu tài liệu này, nhân viên dịch vụ khách hàng của Hội đồng Wentworth Shire sẵn lòng hỗ trợ sắp xếp dịch vụ thông dịch miễn phí. Để sắp xếp một thông dịch viên, vui lòng liên hệ với Hội đồng theo số 03 5027 5027 hoặc đến Văn phòng Hội đồng được liệt kê bên dưới.

IMPORTANT | ENGLISH

If you require assistance reading and understanding this document, customer service staff of Wentworth Shire Council are happy to assist in the arrangement of a free interpretive service.

To arrange an interpreter, please contact Council on 03 5027 5027, or visit a Council Office listed below.

COUNCIL OFFICES



Midway Community Centre
2 Midway Drive, Burwood, NSW 2200



Wentworth Visitor Centre (Main Administration Office)
61 Dudley Street, Wentworth NSW 2610



*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.*

Our Objectives



Wentworth Shire is a vibrant, growing and thriving region

ECONOMIC



Wentworth Shire is a great place to live

SOCIAL



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

ENVIRONMENTAL



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

CIVIC LEADERSHIP



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Please note: Text in this draft document in the pink colour refers to fees and charges set by the Office of Local Government and will be supplied to Council prior to the end of the 2025/2026 Financial Year. The pink figures in this draft document are from the 2025/2026 Operational Plan and yet to be updated.

Images in this document were sourced from Council's Image Library unless otherwise stated. Cover image: Fibre Optic Symphonic Orchestra (FOSO), Log Bridge Road, Wentworth.

The Annual Statement of Revenue forms part of the 2026/2027 Operational Plan and includes the 2026/2027 Fees and Charges. These documents have been prepared in accordance with Section 403(2) of the *Local Government Act 1993*.

The Annual Fees and Charges forms part of the 2026/2027 Operational Plan. These documents have been prepared in accordance with Section 403(2) of the *Local Government Act 1993*.

This document was compiled by Wentworth Shire Council.
Copies of this document can be viewed online at wentworth.nsw.gov.au

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Our Values: Honest & Integrity | Accountability & Transparency | Respect | Quality & Commitment

Overview

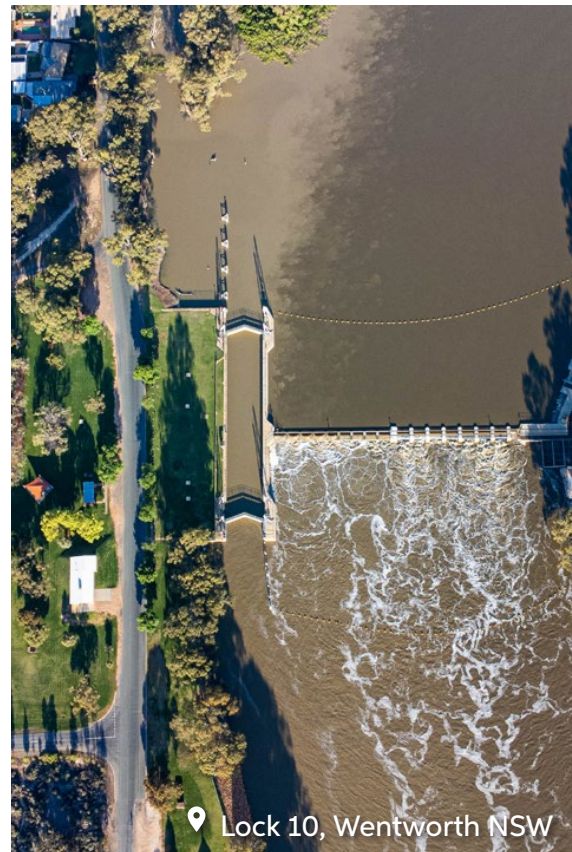
What is the Operational Plan 2026-2027

Council's Operational Plan is created each financial year as a sub-plan of Council's four-year Delivery Program. The Operational Plan 2026-2027 is year two of Council's Delivery Program.

It outlines the actions that Council will undertake in the financial year that contribute to achieving the commitments in Council's Delivery Program and Community Strategic Plan.

It also identifies the annual budget required to deliver the actions and the responsible service area within Council who will oversee and report progress and performance results achieved.

The Plan is accompanied by Council's 2026-2027 Annual Statement of Revenue and Schedule of Annual Fees and Charges which includes the proposed rates and annual charges.



Lock 10, Wentworth NSW

Our Council



149.10

Full-time equivalent (FTE) staff



\$36 million

Operational budget (2026/2027)



\$54 million

Budget forecast (2026/2027)



\$18 million

Capital budget (2026/2027)



49

Planned actions (2026/2027)



3.20%

Rate increase (2026/2027)



Achieving the vision for 2036

The consultation and engagement activities undertaken to inform the Wentworth Shire: Our Future in Focus - Community Strategic Plan 2026-2036 resulted in the formation of the following concise and ambitious vision for the region:

Wentworth Shire will work together to create a thriving, attractive and welcoming community.

To ensure we, as a community, can work toward achieving this vision, four strategic objectives have been developed around the quadruple bottom line which aims to balance social, environmental, economic and governance aspects of strategic plans.

Underpinning each objective is a range of supporting strategies that outline high-level approaches to achieving the objectives and delivering the vision.

Quadruple Bottom Line

The quadruple bottom line underpins the Community Strategic Plan, helping to categorise the priorities that have been identified by the community.

Our strategies link directly to the quadruple bottom line, which are as follows:



Wentworth Shire is a vibrant, growing and thriving region

ECONOMIC



Wentworth Shire is a great place to live

SOCIAL



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

ENVIRONMENTAL



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

CIVIC LEADERSHIP

Financial information

Budgeted Income Statement Summary	2026/2027 Budget
Income from Continuing Operations	
Rates & Annual Charges	\$12,656,341
User Charges & Fees	\$12,600,050
Interest & Investment Revenue	\$2,479,046
Other Revenues	\$1,996,562
Grants - Operating	\$13,178,842
Grants - Capital	\$2,854,104
Net Gains from the disposal of assets	\$100,000
Total Income	\$45,904,497

Expenses from Continuing Operations	
Employee Benefits	\$11,937,380
Borrowing Costs	\$1,294,668
Materials & Contracts	\$11,210,352
Depreciation & Amortisation	\$11,000,000
Other Expenses	\$691,259
Total Expenses	\$36,133,659
Operating Result from Continuing Operations	\$9,770,838
Less Capital Grants and Contributions	\$2,854,104
Net Operating Result from Continuing Operations	\$6,916,734

Funding Requirements	2026/2027 Budget
Expenditure	
Operating Expenditure	\$36,133,659
Capital Expenditure	\$17,955,793
Total Expenditure	\$54,089,452
less depreciation (incl. in expenditure)	\$11,000,000
2026/2027 Cash Requirements	\$43,089,452

Cash Requirements funded from:	
Operational Revenue	\$41,749,972
Borrowings	\$0
Retained Earnings	\$0
Council Restricted Reserves	\$1,339,480
2026/2027 Total Funding	\$43,089,452

Projected Balances (Council Cash Reserves)	
Projected opening cash balance 01/07/2026	\$30,000,000
Plus projected Cash surplus	\$2,703,683
Projected cash balance at 30/06/2027	\$32,703,683
Represented as:	
- Cash on hand	\$2,703,683
- Short Term Investments	\$30,000,000
- Long Term Investments	\$0

To ensure long-term financial sustainability and responsible stewardship of public resources, Council must operate within its financial capacity and adopt a balanced annual budget that is aligned with its long-term financial position. The 2026-2027 budget has been developed to ensure that essential services can continue to be delivered to the community without placing undue pressure on financial reserves, now or in the future and is based on the following key assumptions:

Rates and Annual Charges

- The Ordinary Rate will be increased by the maximum 3.20% (as determined by the Independent Pricing and Regulatory Tribunal of NSW (IPART)).
- Waste water access charges will be increased by 3.70%.
- Raw and filtered water access charges will be increased by 3.70%.
- Domestic waste charges will be based on a new three bin collection system.
- Water consumption charges will be increased by 3.70%.
- Interest will be charged on overdue rates and annual charges as approved by the Minister for Local Government.

Borrowings

Borrowed funds enable the cost of acquiring assets to be spread over a longer period of time, thus easing the burden on current ratepayers.

In the 2026/27 financial year Council is proposing no new loan borrowings.

Restricted Reserves

Council will utilise the following restricted reserves to fund capital expenditure during the 2026/2027 financial year:

- **Unexpended Grants Reserve**
\$1,027,462 of prepaid grants to fund capital projects.
- **Buronga Landfill Reserve**
Council intends to transfer \$2,233,920 to this reserve to set aside cash to fund future works at the landfill.

Capital Expenditure

The following major projects will be undertaken during 2026/2027:



\$550,000

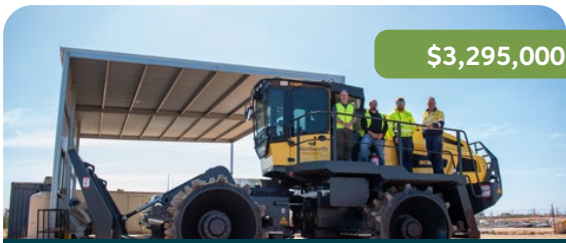
Building Renewals

Including; _____



\$1,100,000

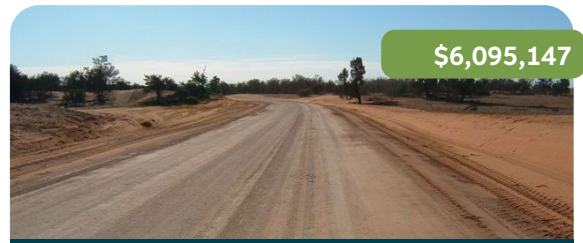
Dareton Effluent Disposal Station



\$3,295,000

Plant Replacement

Including; _____



\$6,095,147

Roads Projects

Including; Regional Emergency Road Repair Fund, Milpara Road, Cadell Street Footpath



\$1,792,029

Sewer Upgrades

Including; Sewer Main Refurbishment, Dareton Sewer Pump Station #5



\$750,000

Stormwater Upgrades

Including; _____



\$1,337,221

Water Upgrades

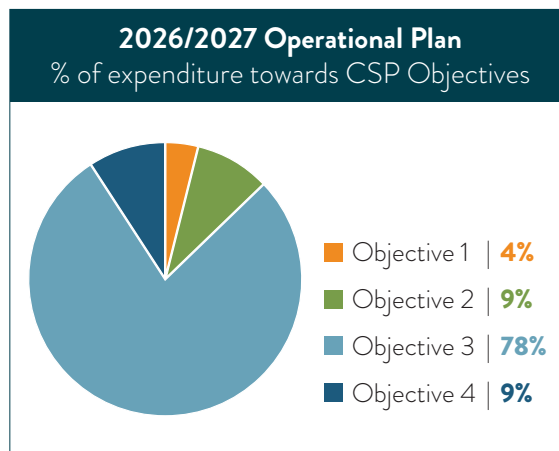
Including; Hendy Road/Alcheringa Oval Stormwater

Contribution to CSP objectives

In line with the Integrated Planning and Reporting Framework Council's expenditure has been aligned with the Objectives established within the Community Strategic Plan.

The financial expenditure figures depicted in the following table provide an indication of how Council's expenditure in 2026/2027 is aligned to the Community Strategic Plan.

The following pages provide the details of each Operational Plan action, including the description, the strategy that it is aligned to, the responsible officer, the source of funding and the budget amount for the financial year.



Objective 1



ECONOMIC

Wentworth Shire is a vibrant, growing and thriving region

Objective 2



SOCIAL

Wentworth Shire is a great place to live

Objective 3



ENVIRONMENTAL

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

Objective 4



CIVIC LEADERSHIP

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

How to read this plan

This diagram explains the key headings and terminology used in the following pages of this Plan.

STRATEGIES

These are the community's long-term priorities and aspirations for the Shire. They contribute to achieving the Shire's vision. Council has a custodial role in working towards realising these outcomes, however, is not wholly responsible for achieving them. Other partners, such as state agencies and community groups have an important role to play in achieving these strategies.



ECONOMIC

Wentworth Shire is a vibrant, growing and thriving region

OBJECTIVES

Provides specific focus points to achieve the community strategies.

ACTIONS

These are how we plan to achieve each objective. The Delivery Program & Operational Plan outline how the actions can be achieved.

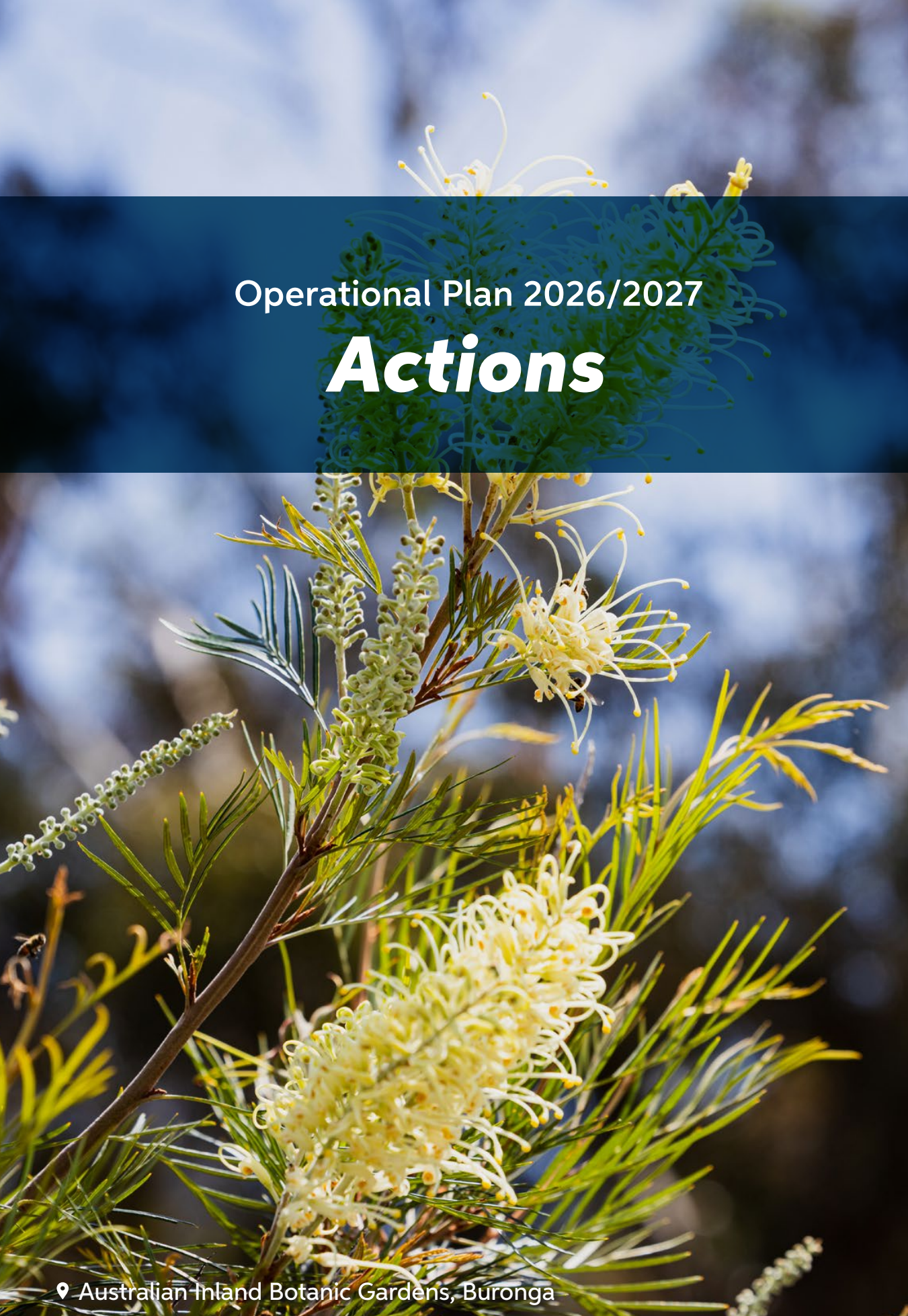
ANNUAL ACTIONS

Actions that Council will undertake across each year of the Delivery Program that contribute to achieving the long-term objectives.

SPECIFIC ACTIONS

Actions that Council will undertake in a specific year(s) over the four (4) years of the Delivery Program. These are reviewed and updated annually.

OBJECTIVES & ACTIONS		RESPONSIBLE OFFICER
3.1 – An urban environment that maintains and enhances our sense of identity and place.		
Annual Actions	Manage development through a transparent and efficient assessment process.	Director Health & Planning
	Develop, review and update Strategic Planning documents as required.	
Specific Actions	Not applicable.	
3.2 – Our public assets are well maintained and able to meet the growing population demands.		
Annual Actions	Land Tenure Program.	Director Health & Planning
	Maintain transport network including Roads, Bridges and Footpaths.	
	Maintain community facilities including halls, ovals, pools and other sporting facilities.	Manager Works
Specific Actions	Prioritise and implement recommendations of Asset Management Plans - Regional Emergency Road Repair Fund - Loop Road - Milpara Road	Manager Works
3.3 – Minimise the impact on the natural environment.		
Annual Actions	Effectively manage weeds to protect our biodiversity and natural environment.	Manager Works
	Monitor and investigate Illegal Dumping Activities as required.	Director Health & Planning
	Support the activities of the Murray Darling Association.	
	Advocate for the sustainable management of the Darling-Baaka River and the Menindee Lakes.	General Manager
Specific Actions	Wentworth Flood Study	Director Health & Planning



Operational Plan 2026/2027

Actions

📍 Australian Inland Botanic Gardens, Buronga



STRATEGY 1

OUR ECONOMY

Strategy 1

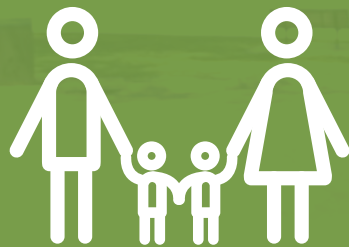
Our Economy

Wentworth Shire is a vibrant, growing and thriving region

OBJECTIVES & ACTIONS		RESPONSIBLE OFFICER
1.1– Create a supportive Environment for business to invest and grow		
Annual Actions	Utilise the Economic Development Strategy to advocate for approaches that create economic diversification and provide broader employment opportunities.	General Manager
	Support educational and employment opportunities that retain young people and local talent, attract new workers and provide opportunities for the unemployed.	
Specific Actions	Not applicable.	
1.2– Promote the Wentworth Region as a desirable visitor and tourism destination		
Annual Actions	Visitor Information Centre Services.	Team Leader VIC
	Work in partnership to expand the branding, promotion, attraction and opportunities in support of the growth of the visitor economy.	Manager Business & Corporate Services
	Support the activities of Murray Regional Tourism, Destination NSW Riverina-Murray, and Wentworth Regional Tourism Inc.	
Specific Actions	Not applicable.	
1.3 – High quality connectivity across the region		
Annual Actions	Advocate for high standard physical and digital connectivity	General Manager
Specific Actions	Not applicable.	

Total Council Operational Budget committed to Strategy 1	\$1,794,328.00
Total Council Capital Budget committed to Strategy 1	\$50,000.00

Measuring Progress	
1	Event sponsorship provided
2	Tourism & Economic Development Promotions

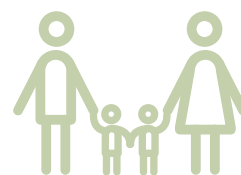


STRATEGY 2

OUR COMMUNITY

Strategy 2

Our Community

Wentworth Shire is a great place to live

OBJECTIVES & ACTIONS		RESPONSIBLE OFFICER
2.1 – Continue to create opportunities for inclusion where all people feel welcome and participate in community life		
Annual Actions	We foster a sense of community belonging and diversity.	General Manager
	Actively engage with and include the perspectives and knowledge of the local indigenous community.	
	Support the delivery and development of events that contribute to economic prosperity, liveability and social cohesion	
	Support cultural, recreational and community interaction opportunities through the Financial Assistance Program	Director Corporate Services
Specific Actions	Implement actions outlined in the Disability Inclusion Action Plan	Director Corporate Services
2.2 – The community has access to services and initiatives that contribute to well being across all stages of life.		
Annual Actions	Provide libraries that support social interaction and encourage lifelong learning.	Team Leader Library Services
	Develop and maintain effective relationships to advocate for the needs of the community.	General Manager
	Support the work of the Wentworth Interagency Group.	
	Our buildings and spaces are designed to be inclusive and accessible to all community members.	Manager Engineering Services
Specific Actions	Not applicable.	

2.3 – To have a safe community

Annual Actions	Regulatory Services are provided to support the health, safety and well being of the community.	
	Continue to engage with the Local Area Command on key community safety issues.	General Manager
	Facilitate the Local Emergency Management Committee to ensure a co-ordinated approach by all agencies having responsibilities and functions in emergencies.	
	In partnership with Transport for NSW continue to identify and resolve road and pedestrian safety issues.	Manager Works
	Being a Child Safe Organisation	Director Corporate Services
Specific Actions	Not applicable	

2.4 – To have a strong sense of place

Annual Actions	Community pride is encouraged through the beautification and maintenance of our towns	Manager Works
Specific Actions	Not applicable	

Total Council Operational Budget committed to Strategy 2	\$4,909,178.00
Total Council Capital Budget committed to Strategy 2	\$90,500.00

Measuring Progress

1	Number of road safety initiatives implemented
2	% of public health inspections completed within legislative timeframes
3	Number of building inspections completed.
4	Demographic profile of those attending library services
5	Number of library programs completed
6	Number of visitors to Council libraries
7	Annual Financial Assistance Program completed
8	Continue to provide support for Wentworth Interagency Group



STRATEGY 3

OUR ENVIRONMENT

Strategy 3

Our Environment

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



OBJECTIVES & ACTIONS		RESPONSIBLE OFFICER
3.1 – An urban environment that maintains and enhances our sense of identity and place.		
Annual Actions	Manage development through a transparent and efficient assessment process.	General Manager
	Develop, review and update Strategic Planning documents as required.	
Specific Actions	Not applicable.	
3.2 – Our public assets are well maintained and able to meet the growing population demands.		
Annual Actions	Land Tenure Program.	General Manager
	Maintain transport network including Roads, Bridges and Footpaths.	Manager Works
	Maintain community facilities including halls, ovals, pools and other sporting facilities.	
Specific Actions	Deliver programmed capital works: - Regional Emergency Road Repair Fund - Milpara Road - Cadell Street Footpath	Manager Works
	Dareton Effluent Disposal Station Upgrade	Manager Engineering Services
3.3 – Minimise the impact on the natural environment.		
Annual Actions	Effectively manage weeds to protect our biodiversity and natural environment.	Manager Works
	Monitor and investigate Illegal Dumping Activities as required.	General Manager
	Support the activities of the Murray Darling Association.	
	Advocate for the sustainable management of the Darling-Baaka and the Menindee Lakes.	
Specific Actions	Not applicable	

3.4 – Use and manage our resources wisely.		
Annual Actions	Provide best practice water, waste water and stormwater management infrastructure.	Manager Engineering Services
	Provide and Promote resource recovery and recycling initiatives	Manager Works
	Encourage businesses and the community to be socially and environmentally responsible.	Manager Business & Corporate Services
Specific Actions	Deliver programmed capital works: • Sewer Main Refurbishment • Dareton SPS #5	Manager Engineering Services
3.5 – Infrastructure meets the needs of our growing Shire		
Annual Actions	Infrastructure is planned for the long term and without imposing an unfair burden on future generations.	Director Roads & Engineering
	Encourage positive social and environmental contributions from developers.	General Manager
Specific Actions	Deliver programmed capital works: • Hendy Road/Alcheringa Oval Stormwater	Manager Engineering Services
Total Council Operational Budget committed to Strategy 3		\$25,627,603.00
Total Council Capital Budget committed to Strategy 3		\$16,307,930.00
Measuring Progress		
1	% of Capital works projects completed on time and on budget	
2	Average development application approval time	
3	Waste diverted from landfill	



STRATEGY 4

OUR LEADERSHIP

Strategy 4

Our Leadership

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



OBJECTIVES & ACTIONS		RESPONSIBLE OFFICER
4.1 – A well engaged and informed community.		
Annual Actions	Provide timely, accessible and accurate information to the community.	General Manager
	Engage and consult with the whole community to capture and consider all viewpoints.	
Specific Actions	Not applicable.	
4.2 – We value our civic leadership whose stewardship and decision making benefits present and future generations.		
Annual Actions	Ensure that elected members are adequately resourced to enable effective representation.	General Manager
	Build and maintain active partnerships and advocate effectively on behalf of the community.	
Specific Actions	Not applicable.	
4.3 – Provide a governance framework that is transparent and builds trust in local leadership.		
Annual Actions	Council practices and processes are undertaken in an efficient manner that meets legislative requirements.	Director Corporate Services
Specific Actions	Not applicable.	
4.4 – Manage public resources responsibly and efficiently for the benefit of the community		
Annual Actions	Council's finances are managed to ensure ongoing service delivery levels and appropriate asset management can be maintained.	Director Corporate Services
	Retain, engage and develop staff.	Manager Human Services
Specific Actions	Not applicable.	
Total Council Operational Budget committed to Strategy 4		\$3,802,550.00
Total Council Capital Budget committed to Strategy 4		\$1,229,279.00

Measuring Progress	
1	Strong financial position maintained
2	Financial reporting obligations met
3	Number Service level reviews completed
4	Quarterly Progress Reports completed on time
5	Engagement activities undertaken as per Community Engagement Strategy

Workforce requirements

On 16 July 2025, Council increased the organisational structure by 12.75 Full Time Equivalents (FTE) to 149.80 FTE's.

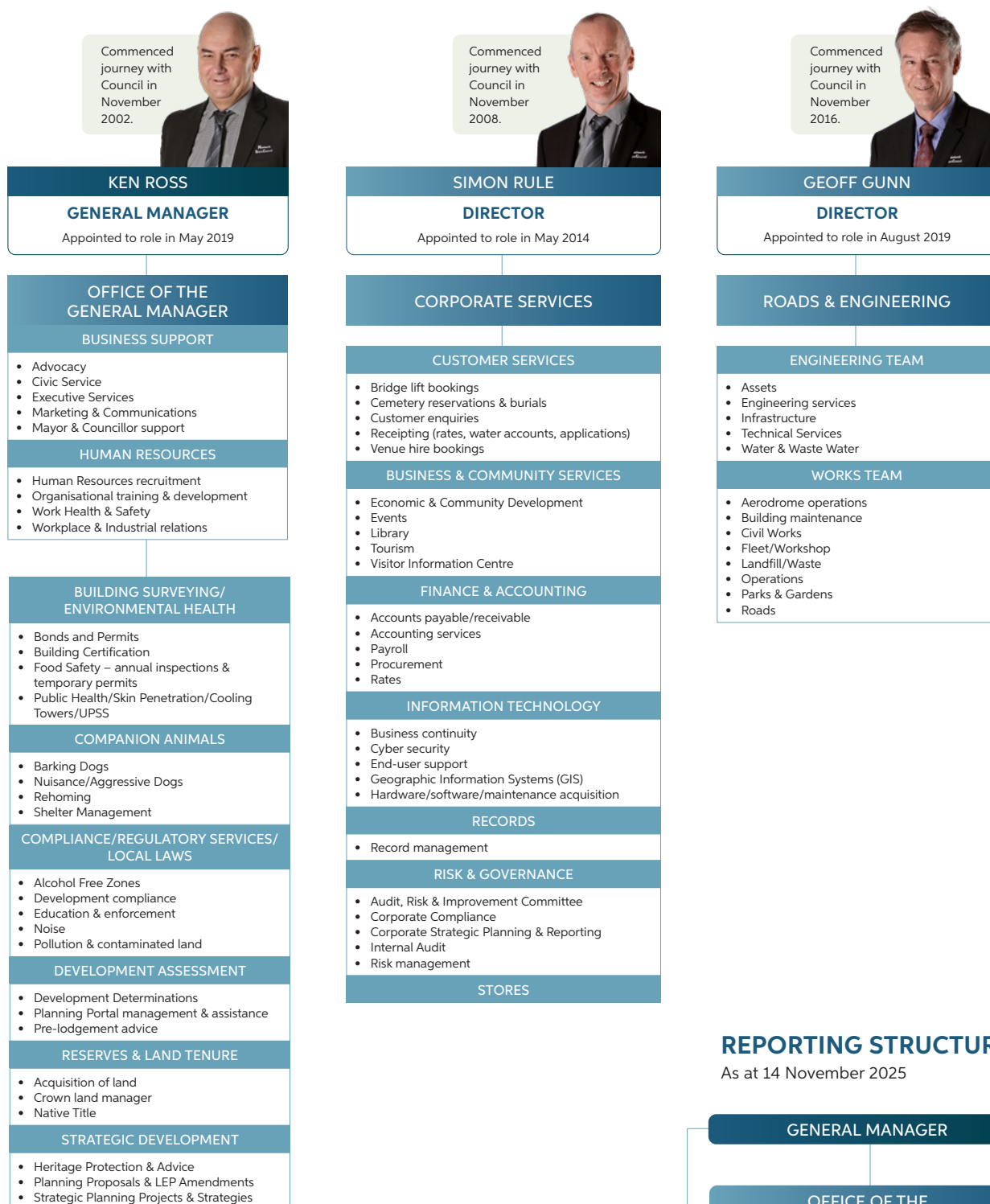
The adopted structure consists of the General Manager and two (2) directors. Council staff other than the General Manager are employed under the NSW Local Government (State) Award.

For the 2026/2027 financial year, total employment costs are forecast to be \$11,937,380.

The diagram on the following page depicts the Organisational Structure.

EXECUTIVE LEADERSHIP REPORTING STRUCTURE

Our Organisational Structure is designed to deliver on the Community's Strategic Objectives as outlined in the Community Strategic Plan 2026-2036.



REPORTING STRUCTURE

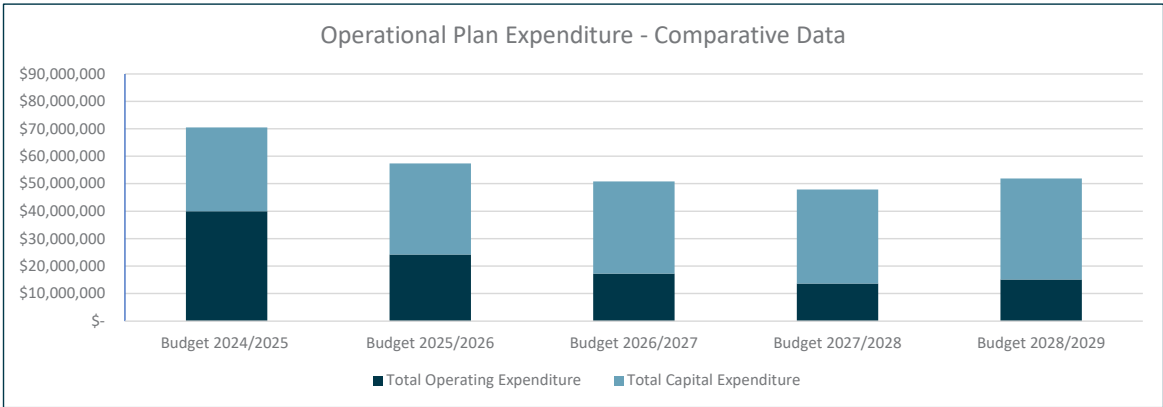
As at 14 November 2025



Future year estimates

The following graph provides a comparison of previous budgeted amounts, compared with the budget for the upcoming financial year and the projected future budgets for 2027/2028 and 2028/2029.

Based on the current Delivery Program projects and forecasts from 2026/2027 onwards the level of capital expenditure reduces as the current four-year Delivery Program comes to an end.



	Budget 2024/2025	Budget 2025/2026	Budget 2026/2027	Budget 2027/2028	Budget 2028/2029
Total Capital Expenditure	\$ 39,936,874	\$ 24,190,133	\$ 17,302,869	\$ 13,703,702	\$ 15,108,971
Total Operating Expenditure	\$ 30,519,997	\$ 33,166,138	\$ 33,530,496	\$ 34,205,726	\$ 36,767,197

Further information

The Annual Statement of Revenue provides a full breakdown of revenue and contains the following required statements;

- a statement of the types of fees proposed to be charged by Council,
- a statement of Council’s proposed pricing methodology for determining the prices of goods and the approved fees under for services provided by Council,
- the amounts of any proposed borrowings,
- the sources from which they are proposed to be borrowed, and
- the means by which they are proposed to be secured.

The Annual fees and charges document provides details of annual fees and charges for the 2026/2027 financial year.



Operational Plan 2026/2027 **Attachments**

TRAIL OF
lights+
foso
Fibre Optic Symphonic Orchestra
Serena Munro

📍 Fibre Optic Symphonic Orchestra (FOSO),
Log Bridge Road, Wentworth

© Serena Munro

2. Annual Statement of Revenue

The Annual Statement of Revenue forms part of the 2026/2027 Operational Plan and includes the 2026/2027 Fees and Charges.

These documents have been prepared in accordance with Section 403(2) of the *Local Government Act 1993*.

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Statement of Revenue Policy

Introduction

The information contained in this Statement of Revenue is drawn directly from Council's Long Term Financial Plan. While the quality and range of services provided by Council continue to expand, income is declining in real terms. This challenge is being experienced across the local government sector; however, its scale and impact remain significant.

Despite these constraints, Council remains committed to delivering high-quality services that meet community expectations and are provided at a cost the community is willing to pay. Achieving this will require continued collaboration with the community to ensure services are aligned with local needs and priorities.

In developing the Long-Term Financial Plan, Council considered a range of economic and political factors that influence its financial position and, in turn, its capacity to sustain current service levels while maintaining long-term financial sustainability.

Rating

Council rates are a form of taxation; they are not a fee-for-service. The *Valuation of Land Act 1916* (NSW) and the *Local Government Act 1993* (NSW) provide the legislative framework for valuing land and raising rates. All rateable land must be valued and rated. The *Valuation of Land Act 1916* (NSW) prescribes that the value of all properties be reassessed every 3 or 4 years to accommodate movements in land values. Council currently has its land revalued every 3 years. A revaluation establishes the value of a property relative to all other properties (ie: its market relativity).

Valuations in New South Wales are conducted by the NSW Valuer-General based on market movements and recent sales trends as required under the *Valuation of Land Act 1916* (NSW). When a local government area has been re-valued the property owner will be issued with a Notice of Valuation. Each Notice of Valuation contains both details of the property as they are recorded on the Valuer General's records and the land value at the common base date for all Valuer General valuations in the local government area.

The valuations are objective and impartial, and are based on the market for Land. The 'land value' represents the value that the 'fee simple' interest in the land, assumed to be vacant, would be if offered for sale. For 2026/2027, rates are based on property values as at 1 July 2024.

By virtue of section 494 of the *Local Government Act 1993* (NSW), Council is required to make and levy an ordinary rate for each year on all rateable land in its area. This is a mandatory requirement.

A rate may, at Council's discretion, consist of:

- An ad valorem amount; which may be subject to a minimum amount of the rate; or
- A base amount to which an ad valorem amount is added.

The ad valorem amount of a rate

The ad valorem amount of a rate is to be levied on the land value of all land that is to be rateable to the rate and the rate in the dollar is to apply uniformly. The ad valorem amount of the ordinary rate may be the same for all classes or it may be different for different classes or sub classes.

Base charges and minimum amounts of rates payable

The *Local Government Act 1993* (NSW) allows the use of both different minimums and/or different base charges for different land use/localities. This provides additional flexibility in determining the distribution of the rating burden. It potentially enables better accommodation of 'equity' considerations but at the expense of the criteria of "simplicity".

A base charge is a fixed rate levied equally against all properties. Rates based on property value are then levied to provide the additional revenue required by Council. The effect is to reduce the influence that property values have in determining the relative amounts paid by different ratepayers. By contrast, a minimum rate applies only to those properties with a value below a set threshold. The amount of rates payable by all properties with a value above that threshold is therefore determined solely by relative property values.

The higher the amount of a base charge or a minimum rate the lower will be the ad valorem rate for any given revenue target. As a result higher valued properties may incur a greater or lesser share of the total rate burden depending on the level of the base charge or minimum rate. Applying a base rate charge will result in a different distribution between low, medium and high valued properties relative to the application of a minimum rate. The *Local Government Act 1993* (NSW) limits the amount of revenue that can be generated by a base charge or minimum rate. A base rate or minimum rate must not produce more than 50% of the total revenue derived for each category of property. Council has a base charge for each property category but currently does not levy a minimum charge.

Council must apply the ad valorem and base amount uniformly to every parcel of land within each property category, but they can differ from property category to property category.

Annual rate increases in NSW are capped or "rate pegged as determined by the Independent Pricing and Pricing Tribunal (IPART), is the maximum amount by which Council's total rate revenue can increase over the previous year without making application for a special rate variation.

Council's general rates income can grow when new properties are developed that require additional local government services. Property growth impacts on Council's financial performance by increasing rate revenue as a result of the increased number of rateable assessments. It is important to note however, that the increase in rate revenue resulting from property growth is generally not in direct proportion to the increase in the number of rateable assessments.

In October 2021, the Minister for Local Government announced that the State Government had accepted IPART's recommendation for the inclusion of a population factor into the rate peg. IPART has developed a methodology that enables council's to maintain per capita general income over time as their populations grow. Maintaining per capita general income will help councils to maintain existing service levels and provide the services their growing communities expect.

The approach developed by IPART amends the existing rate peg calculation to include a population factor in the rate peg that is calculated as the change in residential population, less any increase in general revenue from supplementary valuations.

In development of a population growth factor for the rate peg, IPART undertook research which indicated councils currently only recover approximately 60% of the cost of population growth through supplementary rate income.

The methodology will apply to all councils experiencing population growth, even at low levels, but not impact councils with stable or declining populations. The methodology allows for rating income to increase to provide councils with a greater ability to manage the cost of population growth.

In September 2025 IPART announced a base rate increase of 3.00% for all councils. Council received an additional 0.20% increase to factor in the Emergency Services Levy and the cost of running the 2024 Council elections. Council received no population factor adjustment for 2026-2027 resulting in a core rate peg increase of 3.20%. Council is proposing to increase rates by the full amount of the rate peg.

Rate increases over the last six years are detailed in the following table.

Table of years and rate increases and % of total revenue						
Rating Year	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
Rate Pegging % Increase	2.00%	0.70%	3.70%	5.20%	4.50%	3.20%
Rateable Value	\$879,598,432	\$885,520,951	\$1,555,890,730	\$1,583,196,330	\$1,664,529,812	\$1,684,822,712
Total General Rate Income	\$5,673,409	\$5,724,454	\$6,039,427	\$6,428,258	\$6,989,702	\$7,285,198
Increase	\$212,774	\$51,045	\$314,973	\$388,831	\$561,444	\$295,496

Budget analysis

This section provides comments on the main operating expenditure revenues, and capital expenditure for 2026/2027.

Operating Revenue

Council has forecasted to generate \$45,904,497 in revenue for 2026/2027.

Extract of Operating Statement				
Operating Revenue	2027	2028	2029	2030
Rates & Annual Charges	\$12,656,341	\$13,255,409	\$13,784,139	\$14,333,924
User Charges & Fees	\$12,600,050	\$13,188,941	\$14,897,771	\$15,578,831
Interest	\$2,479,046	\$2,594,748	\$2,694,248	\$2,797,578
Grants & Contributions (Op)	\$13,178,842	\$13,705,523	\$14,134,385	\$14,675,024
Grants & Contributions (Cap)	\$2,854,104	\$559,494	\$617,988	\$539,292
Other Operating Revenue	\$1,996,562	\$2,499,712	\$1,678,655	\$1,485,261
Net gain/loss Disposal of Assets	\$100,000	\$100,000	\$100,000	\$100,000
TOTAL	\$45,904,497	\$46,025,246	\$47,949,760	\$49,553,976

Rating and Annual Charges

The total income that can be raised from levying rates on property is capped by the State Government via the Independent Pricing and Regulatory Tribunal. The current rate structure for Wentworth Shire Council will be maintained; rate assessments will be based entirely upon property valuations (ad valorem) plus with base rates applying where appropriate.

The continuing constraint of rate pegging imposed by the State Government limits Council's ability to provide additional services or borrow additional funds and has focused considerable attention to the need for and efficiency of each service provided. Council expects to raise \$12,656,341 from rates and annual charges for 2026/2027. This includes a special variation for Tourism which was approved in 1998 for \$10 per assessment.

Pensioners who hold a Pensioner Concession card and own and occupy rateable property in Wentworth Shire receive a mandatory rebate on their rates and annual charges. The State Government funds 55% of the rebate. This is expected to cost Council \$80,000 in 2026/2027.

Interest charged on unpaid rates and charges will accrue on a daily basis at the rate determined by the Minister for Local Government in accordance with Section 566 of the *Local Government Act 1993*.

Hardship and ability to pay rates

Hardship is the difficulty in paying debts when payment is due. Any person who cannot pay their rates or charges due to hardship can apply to Council for assistance at any time. Ratepayers are encouraged to seek assistance from Council as soon as practical. Council will consider each hardship application on its merits.

There are several ways Council may help a ratepayer who is experiencing financial hardship including, but not limited to:

- A payment plan or agreement (s564 of the *Local Government Act 1993* (NSW)) so that rates and charges (whether overdue or not) are paid on a weekly, fortnightly or monthly basis.
- Interest may be waived or reduced for a set period of time.
- A pensioner rebate (additional to the legislated rebate) may be given.
- Interest, rates or charges may be written off, waived, reduced, or deferred for eligible applicants (s564, s 577, 601 *Local Government Act 1993* (NSW))

Applications for a special variance to general income

The ability to introduce a special rate variation to General Income requires Ministerial Approval. The provision allows the raising of additional income over and above the rate cap for specific purposes and under strict guidelines.

Council can apply for additional income through these provisions, however at this stage there has been no thought given to doing so. In the future this option will be explored if deemed necessary.

User Charges and Fees

Many of the services provided by Council are offered on a user pays basis. Fees and Charges relate mainly to the recovery of service delivery costs through the charging of fees to users. All fees in this category are annually reviewed and some of the general considerations for setting these fees include:

- Cost of the service or operation;
- Consumer Price Index;
- Other revenue sources which may fund the service;
- Laws and Regulations;
- Ability of the persons/groups using the service to pay;
- Benefit to the community (possible subsidy); or
- Benchmarking with others providing similar services

Council is mindful that reliance on fees and charges as a revenue-raising mechanism can impact the equitable access of residents to services and facilities. In addition, the Shire's relatively small population base limits the capacity to generate significant revenue from fees and charges.

Statutory fees such as development assessment fees, planning certificates etc charged by Council are subject to direction through regulation and other state government controls. Council does not set these fees and does not have the power to vary the fee set. The majority of statutory charges do not provide for annual increases in line with CPI or the cost of providing the service and therefore excluding development related income, no growth in these fees has been included in the 2026/2027 budget.

The Roads and Maritime Services contract (RMCC) is classed as a fee for service and accounts for approx. \$1.9 million of revenue annually. Council also operates the Buronga Landfill, it is expected that this operation will generate \$8.75 million in revenue. Overall Council expects to raise \$12,600,050 from user fees and charges for 2026/2027.

REVENUE

Interest on Investments

Council has an investment portfolio that varies in size from year to year however it is projected to be between \$30m and \$35m for the majority 2026/2027. These funds are a mixture of unspent grants, reserve funds and general revenue. All investments are placed in accordance with the Minister's Order and Councils adopted investment policy. Interest earnings form a significant part of Council's revenue each year and are subject to fluctuations in interest rates as they respond to economic conditions.

Approximately \$30,000,000 of Council's cash reserves are currently either internally or externally restricted, this means that they have been set aside to fund specific expenditure. This gives Council the ability to strategically invest these funds in order to gain maximum returns whilst minimising risk. The remaining funds make up Council's available working capital which is required to fund day to day operations. Council also receives interest on outstanding rates and annual charges.

Council expects to receive \$2,479,046 from investment activities in 2026/2027.

Grants and Contributions

Council receives an annual Financial Assistance Grant from the Commonwealth as well as various grants from other State and Commonwealth Government departments. Council has assumed that it will continue to receive these grants, however, should these grants and subsidies be reduced Council's ability to provide the same level of service will be impacted.

Council also receives operating and capital grants from various funding bodies to help fund the following services:

- Roads maintenance and capital works
- Library services
- Weeds
- Youth week
- Rural Fire Services

Council will continue to seek grants and partnership funding for a range of well-aligned projects and programs, which will be reflected in the budgets as and when specific arrangements are confirmed.

Council collects monetary contributions from developers as a condition of consent on Development Applications to meet the demand for public amenities and public services created by new development. Authority to do this is provided by Sections 7.11 & 7.12 of the *Environmental Planning and Assessment Act 1979* (NSW) and Sections 305-307 of the *Water Management Act 2000* (NSW).

This form of revenue is difficult to predict and Council has adopted the prudent position of making no assumption that these source of funds can be relied upon for the purpose of forward forecasting of resources and financial sustainability. Successful increases in revenue through, grants, partnerships and developer contributions will be treated as windfalls.

The Local Government Financial Assistance Grants are paid to local councils to help them deliver services to their communities. The funds are paid annually by the Australian Government. Councils are free to use these funds at their discretion and are accountable to their community.

Following the 2013 independent review of local government in NSW the State Government has been refining the funding model for the Financial Assistance Grants in order to channel additional support to council's and communities with the greatest needs. Generally, council's and communities with the greatest need have the following characteristics:

- Rural and remote councils;
- With small and declining populations;
- Have limited capacity to raise revenue;
- Have financial responsibility for sizeable networks of local roads/infrastructure & diminishing financial resources; and
- Relative isolation.

Funds are allocated by the State Government on the basis of the national principles as outlined in the *Local Government (Financial Assistance) Act 1995 (Cth)*. The ongoing challenge facing the government has been how to allocate a fairer share of the grant to disadvantaged council's when a fixed 30% of the grant must be allocated based on population increases/decreases.

Council has forecasted to receive \$16,032,946 in operating and capital grants in 2026/2027.

Council will receive capital grants and contributions in 2026/2027 which will contribute to funding the following projects:

- Roads to Recovery Program
- Regional Roads Block Grant
- Regional Roads Emergency Repair Fund
- Safer Local Roads and Infrastructure Program
 - Milpara Road Upgrade.
- Road Safety Program
 - Cadell Street Footpath
- Australian Government Blackspot Program
 - High Darling Road
 - Old Wentworth Road
- Better Boating
 - Dareton EDS Upgrade

Other Revenue

Miscellaneous revenue is obtained from a variety of sources including insurance recoveries, property rentals, sale of assets etc. It is anticipated that other revenue will be maintained at current levels with an increase for CPI factored in. Council has budgeted to receive \$1,996,562 in 2026/2027.

Operating Expenditure

Council has forecasted \$36,133,659 in operating expenditure for 2026/2027.

Extract of Operating Statement				
Operating Expenses	2027	2028	2029	2030
Employee Costs	\$11,937,380	\$12,551,487	\$13,216,299	\$13,916,294
Materials & Contracts	\$11,210,352	\$11,267,611	\$10,712,204	\$10,623,682
Borrowings	\$1,294,668	\$1,201,134	\$1,109,904	\$1,043,265
Depreciaton & Amortisation	\$11,000,000	\$11,000,000	\$11,000,000	\$11,000,000
Other Operating Expenses	\$691,259	\$710,909	\$728,791	\$747,299
TOTAL	\$36,133,659	\$36,731,142	\$36,767,197	\$37,330,540

Employee Expenses

Employee expenses comprise approximately 30% of Council's operating costs with 149.80 Full Time Equivalent (FTE) Staff. The salaries and wages budget calculation includes an assumption that staff will take four weeks annual leave. Throughout any year salary savings resulting from staff vacancies and efficiencies will occur naturally.

Council Employee Leave Entitlements reserve is used to fund unanticipated changes in termination payments each year. The number of staff who might leave is difficult to predict and the budget has a provision added to represent the projected levels of retirements, to accommodate the challenges of an ageing workforce.

Council's policy is to fully fund the leave entitlements of staff in the Employee Leave Entitlements Reserve. In recent years the reserve has been used to assist in the funding of costs associated with the resignation/retirement of a number of long serving employees. Council has been fortunate

in recent years that it has had enough surplus cash to fund 100% of this reserve. It is projected that the reserve will maintain a balance of 100% through 2026/2027. However, if surplus funds were to decrease Council may choose to review this policy.

Workers Compensation premiums increase and decrease significantly with claims history. Council continues to be proactive in order to minimise any potential for claims

Organisational Structure

The 2026/2027 Operational Plan is based on the figure of 149.80 equivalent fulltime employees (EFT's). Councils total employee costs for 2026/2027 is expected to be \$11,937,380.

Borrowing Costs

Wentworth Shire Council in the past has been debt averse and viewed the achievement of a low level of debt or even a debt free status as a primary goal. However, Council appreciates that the use of loan funding can be a critical component of the funding mix to deliver much needed infrastructure to the community. The beneficiaries of these projects will assist in their funding as their rates will be applied in part to repaying the loans. This is in contrast to current ratepayers bearing the entire burden in one year, possibly at the expense of other worthwhile expenditure.

Debt is seen as a method of more fairly spreading capital costs to deliver intergenerational equity. Keeping this in mind there are limits to the amount the Council can borrow without impacting on its financial sustainability and Council is mindful of not wanting to impose excessive debt on current or future generations.

Council's borrowing strategy projected in the LTFP is to restrict the debt service ratio to less than the industry benchmark of 20%. Before embarking on any new debt Council will consider the following:

- Debt financing is only to be used for clearly identifiable major projects and the Capital Works Program;
- Debt finance will not be used to meet operational shortfalls; and
- The period of repayment of debt finance shall not exceed the period over which the benefits are received from a project, or the life of the asset whichever is lesser

The principles of intergenerational equity are supported in respect of the Council contribution to the funding of major projects, the benefits of which will be shared by future generations.

Loans shall only be raised after taking into consideration future known specific capital funding requirements and, when raised, shall only fund the specific project or purpose approved.

Borrowing costs on current and projected loans and financing arrangements will total \$1,294,668 in 2026/2027.

Materials and Services

Materials and Services represent the principal costs used to deliver services to the community and are forecast to increase by 5% in 2026/2027 in line with increases in the Consumer Price Index. Materials and contracts are subject to variations in the market and particularly to petroleum prices. Such fluctuations impact on the price of petroleum and petroleum-based products (such as asphalt) and makes forecasting difficult. Budgeted expenditure for 2026/2027 is \$11,210,352.

Depreciation

Depreciation reflects the fact that an asset's cost is proportionally expensed over the time during which it is used. Depreciation has been based on the estimated useful life of assets and will be reviewed every year. Council continues to thoroughly review its residual values and estimated useful lives. Budgeted depreciation for 2026/2027 is \$11,000,000.

Other Expenses

These expenses are those which are not part of the day to day operations of Council and generally relate to section 356 financial contributions and levies paid to other levels of government such as the Emergency Services Levy. Budgeted expenditure for 2026/2027 is \$691,259.

EXPENDITURE

Expenditure Challenges

As part of the process of preparing the operational plan each year, Council critically reviews operating expenditure in order to identify areas where it could reduce spending without compromising service delivery.

Community needs must be understood and are a key input into the annual operational plan, for many years Council has recognised the challenge of meeting community needs in a financially sustainable manner. This challenge has been divided into two elements (1) assess the gap in financial sustainability assuming community needs correspond to the current scope of services and service levels and (2) assess the impact of additional or enhanced services in line with changing or revised community needs.

Capital Expenditure

The challenge over the medium to long term is to achieve financial sustainability whilst still assisting the community to achieve its vision as established in the 10 year Community Strategic Plan. The challenge is to also adequately maintain existing assets before adding to the asset base, bearing in mind that new assets add to ongoing operational costs.

Substantial capital programs are in place to continue the renewal of Council's infrastructure network. The programs will ensure that these key asset groups meet or exceed Council's determined 'minimum' service levels and continue to provide the expected amenity to the community.

The capital works program prioritises projects based on asset condition, risk, community need and other opportunities as they arise with other entities. Over shorter periods, some areas of the Shire may require more capital works than others to reflect short term needs and opportunities.

The need for new assets is constantly assessed and verified against current population and development projects, community feedback and alternative means of supplying services. A further consideration is the priority of refurbishing existing assets that provide community benefits or operational service that require regular refurbishment to enable the overall safety and quality of the facility to be maintained.

Apart from funding constraints, Council has capacity constraints which determine the capital works program delivery timeframe. The constraints in project delivery include community consultation, state government approvals, design, procurement processes and availability of labour resources to project manage and implement the projects.

In addition to the renewal and expansion of Council's asset base delivered through the capital works program, Council undertakes a replacement (and, where appropriate) upgrade/expansion program for its plant and equipment assets including motor vehicles, furniture, plant and IT hardware.

The budget for 2026/2027 has been developed through a process of consultation and review with Council and staff. As required by the Integrated Planning and Reporting framework, the Operational Plan and Budget are for a one year period. The Long Term Financial Plan details Council's financial forecast for a 10 year period and budget estimates for the next four years are provided in the Delivery Program.

Capital Expenditure	2027	2028	2029	2030
Existing Infrastructure Renewals	\$15,894,461	\$13,373,284	\$13,919,571	\$12,916,993
Projects Carried forward from previous years	\$0	\$0	\$0	\$0
New Capital Expenditure	\$471,000	\$3,957,394	\$0	\$2,457,394
Capital loan repayments	\$1,590,332	\$1,545,738	\$1,403,120	\$1,421,660
TOTAL	\$17,955,793	\$18,876,417	\$15,322,691	\$16,796,047

The Major Projects and Capital Expenditure Program for 2026/2027 will be \$17,955,793.

Capital works are funded from the following sources:

Loans/financing	\$0
Restricted Funds	\$1,339,480
Retained Earnings	\$0
Council Operations	\$14,860,396
Grants and Contributions	\$1,755,917
TOTAL	\$17,955,793

EXPENDITURE

Rate Levy 2026/2027

Council has received advice from the Minister for Local Government that the rate pegging limit for 2026/2027 is 3.20%. The maximum increase has been proposed.

The rating structure proposed is consistent with previous years and no changes have been forecast at this stage. Council has tried to spread its rate burden as evenly as possible across all ratepayers. While it is impossible to keep everyone satisfied, the proposed rating structure endeavours to make it as fair and equitable as possible.

The Tourism Special Rate will remain at \$10 per Assessment.

Statement with respect to each ordinary and each special rate proposed to be levied:

- No new special rates are proposed for 2026/2027.

In accordance with Sections 534, 535 & 537 of the *Local Government Act 1993*, Council resolves to make and levy an ordinary rate to comprise of a base rate and an ad valorem rating structure for 2026/2027 financial year for every parcel of rateable land within the Wentworth Shire Council as follows:

Farmland Category

Includes all of the lands within the local government area of Wentworth categorised as Farmland except those parcels of rateable land sub categorised as Farmland, Dry Land Grazing and Farmland, Licence/Pump Site/Pipeline.

Farmland

An ordinary rate of 0.00229167 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, in accordance with Section 515 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$600.00) for each assessment. The base amount accounts for 29.06% of the estimated yield for this category. The estimated yield for this rate is \$1,433,076.

Farmland - Dry Land Grazing

An ordinary rate of 0.00180339 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, sub categorised Dry Land Grazing in accordance with Section 515 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$600.00) for each assessment. The base amount accounts for 17.01% of the estimated yield for this category. The estimated yield for this rate is \$938,274.

Farmland - Licence/Pump Site/Pipeline

An ordinary rate of 0.04285573 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Farmland, sub categorised Licence/Pump Site/Pipeline, in accordance with Section 515 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$95.00) for each assessment. The base amount accounts for 37.66% of the estimated yield for this category. The estimated yield for this rate is \$18,921.

Residential Category

Residential - Buronga

An ordinary rate of 0.00336258 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Buronga, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$260.00) for each assessment. The base amount accounts for 24.50% of the estimated yield for this category. The estimated yield for this rate is \$604,860.

Residential - Dareton

An ordinary rate of 0.00959530 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Dareton, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 40.94% of the estimated yield for this category. The estimated yield for this rate is \$96,443.

Residential - Gol Gol

An ordinary rate of 0.00365342 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Gol Gol, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$260.00) for each assessment. The base amount accounts for 21.91% of the estimated yield for this category. The estimated yield for this rate is \$890,010.

Residential - Gol Gol East

An ordinary rate of 0.00337775 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Gol Gol East, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$360.00) for each assessment. The base amount accounts for 19.84% of the estimated yield for this category. The estimated yield for this rate is \$540,622.

Residential - Pooncarie

An ordinary rate of 0.01961801 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Residential, sub categorised Pooncarie, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 43.33% of the estimated yield for this category. The estimated yield for this rate is \$25,204.

Residential - Rural Residential

An ordinary rate of 0.00269527 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Residential, sub categorised Rural Residential, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 22.35% of the estimated yield for this category. The estimated yield for this rate is \$658,572.

Residential - Wentworth

An ordinary rate of 0.00427538 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Residential, sub categorised Wentworth, in accordance with Section 516 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to base amount of (\$240.00) for each assessment. The amount accounts for 35.95% of the estimated yield for this category. The estimated yield for this rate is \$418,611.

Business Category

Includes all of the lands within the local government area of Wentworth categorised as Business except those parcels of rateable land sub categorised as Business, Mourquong; Business, Trentham Cliffs; Business, Arumpo; Business, Wentworth; Business, Pooncarie (including all of the lands within the locality of Pooncarie sub categorised as Business Pooncarie except those lands within the township of Pooncarie).

Business

An ordinary rate of 0.00424881 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$270.00) for each assessment. The base amount accounts for 15.63% of the estimated yield for this category. The estimated yield for this rate is \$381,695.

Business - Arumpo

An ordinary rate of 0.07113887 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Arumpo, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$210.00) for each assessment. The base amount accounts for 1.23% of the estimated yield for this category. The estimated yield for this rate is \$119,774.

Business - Mourquong

An ordinary rate of 0.09794355 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Mourquong, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$100.00) for each assessment. The base amount accounts for 0.04% of the estimated yield for this category. The estimated yield for this rate is \$486,000.

Business - Pooncarie

An ordinary rate of 0.07907677 cents in the dollar on the land value of all rateable lands with Wentworth Shire Council categorised as Business, sub categorised Pooncarie, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$100.00) for each assessment. The base amount accounts for 0.03% of the estimated yield for this category. The estimated yield for this rate is \$616,208.

Business - Trentham Cliffs

An ordinary rate of 0.00535371 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Trentham Cliffs, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$120.00) for each assessment. The base amount accounts for 3.46% of the estimated yield for this category. The estimated yield for this rate is \$13,870.

Business - Wentworth

An ordinary rate of 0.00956230 cents in the dollar on the land value of all rateable lands within Wentworth Shire Council categorised as Business, sub categorised Wentworth, in accordance with Section 518 of the *Local Government Act 1993* be now made for the 2026/2027 rating period, subject to a base amount of (\$270.00) for each assessment. The base amount accounts for 33.86% of the estimated yield for this category. The estimated yield for this rate is \$43,058.

Water and Sewer Charges

It is necessary to increase Water & Waste Water by 3.20% per property for 2026/2027 to cover the cost of operational and capital expenditure required to provide this service to the ratepayers.

- Water Access Charges will increase by 3.20% per rateable property in 2026/2027
- Sewer Access Charges will increase by 3.20% per rateable property in 2026/2027
- Water Consumption Charges will increase by 3.20% per rateable property in 2026/2027

In accordance with Section 501 of the *Local Government Act 1993*, Council resolves to make and levy the following Water and Sewer Charges for each rateable property within Wentworth Shire Council.

Water charges

Filtered Water	Charge	Unit
Access Charge	\$361.50	per annum
Water Cost - 0-300kl	\$1.49	per kl
Water Cost - over 300kl	\$3.35	per kl
Raw Water	Charge	Unit
Access Charge	\$199.00	per annum
Water Cost - 0-700kl	\$0.53	per kl
Water Cost - over 700kl	\$1.32	per kl

The above proposed charges are for a basic 20mm connection.

Flats and Units

The access charge will apply to all connections and to Namatjira and resident complexes such as flats. Each flat or unit will be levied a 20mm access charge for raw and filtered water. The body corporate management committee will then be charged for actual water used. The body corporate will be responsible for the allocation of charges within the complex.

Access Charges are determined by the connection size as follows:					
Filtered Water	Size (mm)	Assessments	Filtered Water Access Charge	Filtered Water Allowance 1st Step	Notional Income
Residential or Non Residential	20	2,870	\$361.50	300 kl	\$1,037,505.00
	25	33	\$565.00	500 kl	\$18,645.00
	32	8	\$925.00	750 kl	\$7,400.00
	40	21	\$1,446.00	1,000 kl	\$30,366.00
	50	19	\$2,259.00	1,750 kl	\$42,921.00
	80	2	\$5,784.00	4,000 kl	\$11,568.00
	100	1	\$9,038.00	6,250 kl	\$9,038.00
	150	2	\$20,334.00	14,000 kl	\$40,668.00
	200	0	\$36,154.00		\$0.00
					\$1,198,111.00
Raw Water	Size (mm)	Assessments	Raw Water Access Charge	Allowance 1st Step	Notional Income
Residential or Non Residential	20	2,633	\$199.00	700 kl	\$523,967.00
	25	48	\$311.00	1,400 kl	414,928.00
	32	14	\$509.00	2,100 kl	\$7,126.00
	40	18	\$796.00	2,800 kl	\$14,328.00
	50	17	\$1,244.00	4,900 kl	\$21,148.00
	80	3	\$3,184.00	11,200 kl	\$9,552.00
	100	3	\$4,975.00	17,500 kl	\$14,925.00
	150	0	\$11,194.00	39,200 kl	\$0.00
	200	0	\$19,900.00		\$0.00
					\$605,974.00

Rural 1(c) Raw Water				
Size of Connection		Access Charge	First Step \$0.28	Second Step \$0.84
20mm	311	\$271.50	0-2,000kl	2,001+ kl
Rural Raw Water Only	23	\$271.50	0-2,000kl	2,001+ kl
				\$90,681.00
Industrial Water				
Filtered	Up to 4,000kl		\$1.25	per kl
	Next 4,000kl		\$2.06	per kl
	Next 4,000kl		\$1.95	per kl
	Over 12,000kl		\$1.84	per kl
Total Water Access Charges				\$1,894,766.00

Pensioner Concessions

Water pensioner concessions \$32,000.00

Sewerage Charges

Description	Assess	Charge	Notional Income	Pensioner Rebate
Sewerage Connected	1,985	\$991.00	\$1,967,135.00	\$29,500.00
Sewerage Unconnected	308	\$570.00	\$175,560.00	
Sewerage 1st Pedestal	31	\$991.00	\$30,721.00	
Sewerage Pedestal WC	737	\$138.00	\$101,706.00	
Sewerage Urinal	65	\$68.50	\$4,453.00	
Sewerage Church WC	38	\$73.50	\$2,793.00	
Sewerage 2 Flats	9	\$1,486.50	\$13,379.00	
Sewerage 3 Flats	3	\$1,982.00	\$5,946.00	
Sewerage 4 Flats	4	\$2,477.50	\$9,910.00	
Sewerage 5 Flats	4	\$2,973.00	\$11,892.00	
Sewerage 6 Flats	3	\$3,468.50	\$10,406.00	
Sewerage 7 Flats	3	\$3,964.00	\$11,892.00	
Sewerage 9 Flats	0	\$4,955.00	\$0.00	
Sewerage 10 Flats	1	\$5,450.00	\$5,451.00	
Sewerage 12 Flats	1	\$6,441.50	\$6,442.00	
Sewerage 14 Flats	0	\$7,432.50	\$0.00	
			\$2,357,684.00	\$29,500.00

DOMESTIC WASTE

From 2026/2027, Council will introduce an enhanced domestic waste service incorporating a dedicated recycling collection and a Food Organics and Garden Organics (FOGO) collection. The introduction of these services aligns with State Government waste and resource recovery objectives and support improved environmental outcomes through increased diversion of waste from landfill.

The revised waste services reflects changes to service delivery arrangements and associated costs, including collection, processing, education and compliance requirements. Domestic Waste charges for 2026/2027 have been set to recover the full cost of providing these services in accordance with legislative requirements.

In accordance with Section 496 of the *Local Government Act 1993*, Council resolves to charge the following Domestic Waste Management Charge for each rateable residential property within Wentworth Shire Council.

Garbage Charges				
Description	Access	Charge	Notional Income	Pensioner Rebate
Domestic Waste Charge	3,181	\$370.25	\$1,177,765.00	\$32,000.00
Additional Kerbside Waste Bin:				
01/07/2026 - 30/09/2026	331	\$61.14	\$20,237.00	\$0.00
01/10/2026 - 30/06/2027	0	\$104.16	\$0.00	\$0.00
			\$1,198,002.00	\$32,000.00

In accordance with Section 532 of the *Local Government Act 1993*, Council will adopt its rates and charges after public notice is given and after due consideration of submissions received.

Statement of the types of fees to be charged by Council and the amounts of each such fee:

Section 612 of the *Local Government Act 1993* (NSW) prohibits Council from determining a fee until it has given public notice of its draft delivery and operational plans for the year in which the fee is to be made and has considered any submissions received. Council will adopt the 2026/2027 fees and charges schedule on 24 June 2026, after consideration of all written submissions by residents and ratepayers.

Refer to attached document for the fees and charges schedule.

Statement of Council's Pricing Policy with respect to the goods and services provided by it

Reference is made to Council's Pricing Policy in its Annual Fees and Charges 2026/2027. The Pricing Policy is related to the degree of cost recovery, having regard to the following factors:

- Equity objectives
- User pays principle
- Cross subsidisation objectives
- Financial objectives
- Customer objectives
- Resource use objectives
- GST

Council's broad policies on revenue are:

- Council will ensure all rates, fees and charges will be levied equitably;
- Council supports the user pays principle in assessing the levying of fees and charges and the amount to which they are set, while considering the needs of those in the community who are unable to meet their own needs; and
- Council will pursue all cost effective opportunities to maximise its revenue base.

The pricing policy referred to in the Annual Fees and Charges for 2026/2027 is based on a selection of one of the following choices:

- The pursuit of full cost recovery (100% of identified costs).
- The application of partial cost recovery (reflecting the impact of public good constraints and/or community service obligations).
- The application of zero cost recovery (reflecting an inability to charge a fee).
- The application of a reference price (a fee or charge set by statute or regulation).
- The pursuit of a commercial rate of return on capital invested (to reflect the capital risks involved in the provision of a particular service).

Statement of the amounts or rates proposed to be charged for the carrying out by Council of work on private land

Council may by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land (Section 67(1) *Local Government Act 1993 (NSW)*).

Examples of private works are:

- Paving and road making;
- Kerbing and guttering;
- Fencing and ditching;
- Tree planting and maintenance;
- Demolition and excavation;
- Land clearing and tree felling;
- Water, sewerage and drainage connections; and
- Traffic Management Services.

This type of work is to be charged at cost with a percentage charge of 10% added for profit purposes. All profit is returned to Council's General Fund income.

Statement of proposed borrowings

Council is proposing no borrowings for the 2026/2027 Financial Year.

3. Annual Fees & Charges

The Annual Fees and Charges forms part of the 2026/2027 Operational Plan.

These documents have been prepared in accordance with Section 403(2) of the *Local Government Act 1993*.

Planning & Development Applications	47	Cemeteries	72
Development and Construction	47	Wentworth, Gol Gol, Pooncarie and Coomealla - Lawn Section	72
• Construction Certificates	47	Monumental (Denominational) Wentworth, Gol Gol, Pooncarie and Cal Lal	72
• Complying Development Certificates	48	Niche Wall - Coomealla Memorial Gardens	73
• Civil Works	49	Ground Plots (placement of plaques or memorial items)	73
• Sundry Building Fees	50	Ashes Columbarium	73
• Swimming Pool Fence Inspection	51	Plot Selection	74
• Local Government Act Approvals	51	Additional Notes	74
• Development Applications	52		
• Fees for Application for Modification of Consent Schedule 4 Part 4 EP&A Reg 2021	53		
• Subdivisions	56		
Regulatory Functions	57	Recreational Facilities	75
Section 68 Local Government Act and Local Government Regulation Fees (Related to Public Health and Food Related Items)	57	Casual Hire of Shire Owned Halls, Meeting Rooms and Sporting Pavilions/Stadiums	75
NSW Food Regulation 2025	57	Hire Type - Building only with access to any amenities	75
Public Health Act 2010 & Public Health Regulations 2022 Fees - Schedule 5	58	Hire Type - Park, Oval and Reserve with access to any amenities	76
Property Services	59	Hire Type – Primitive Camping on any reserve (per 24 hour period)	77
Companion Animal Fees	60	Wentworth Showgrounds Hire	78
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• Other Regulatory Function Charges	61	Permissive Occupancy Licence Fees	79
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The Long Service Levy Corporation Fee is payable at 0.35% of the value of building and construction work where the cost of the building is \$250,000 or more (inclusive of GST). The levy calculator can be accessed at: longservice.my.site.com/bci/s/levy-calculator



Planning and Development Applications

Development and Construction

Construction Certificates	Fee (Inc. GST)	GST
Class 1a Buildings (Dwellings)		
Up to \$5,000	\$555.00	0%
\$5,001 to \$20,000 of Building Value	\$680.00	0%
\$20,001 to \$100,000 of Building Value	\$1,357.00	0%
\$100,001 to \$250,000 of Building Value	\$2,163.00	0%
\$250,001 + of Building Value	\$2,584.00 plus \$2.17 per \$1,000 over \$250,000	0%
Class 10 Buildings (Sheds, Carports, Pools, Fences)		
Up to \$5,000	\$555.00	0%
\$5,001 to \$20,000 of Building Value	\$631.00	0%
\$20,001 to \$100,000 of Building Value	\$940.00	0%
\$100,001 to \$250,000 of Building Value	\$1,332.00	0%
\$250,001 + of Building Value	\$1,699.00 plus \$2.07 per \$1,000 over \$250,000	0%
Class 2 - 9 Buildings (Commercial, Industrial & Public Buildings)		
Up to \$5,000	\$680.00	0%
\$5,001 to \$20,000 of Building Value	\$1,357.00	0%
\$20,001 to \$100,000 of Building Value	\$2,163.00	0%
\$100,001 to \$250,000 of Building Value	\$2,696.00	0%
\$250,001 + of Building Value	\$3,295.00 plus \$2.32 per \$1,000 over \$250,000	0%
Contribution Plan (if applicable)		
Up to \$100,000	0%	0%
\$100,001 to \$200,000	0.50%	0%
\$200,001 and above	1%	0%

The Long Service Levy Corporation Fee is payable at 0.35% of the value of building and construction work where the cost of the building is \$250,000 or more (inclusive of GST). The levy calculator can be accessed at: longservice.my.site.com/bci/s/levy-calculator



Complying Development Certificates

Fee (Inc. GST) GST

Class 1a Buildings (Dwellings)

Up to \$5,000	\$555.00	0%
\$5,001 to \$20,000 of Building Value	\$680.00	0%
\$20,001 to \$100,000 of Building Value	\$1,357.00	0%
\$100,001 to \$250,000 of Building Value	\$2,163.00	0%
\$250,001 + of Building Value	\$2,584.00 plus \$2.17 per \$1,000 over \$250,000	0%

Class 10 Buildings (Sheds, Carports, Pools, Fences)

Up to \$5,000	\$555.00	0%
\$5,001 to \$20,000 of Building Value	\$631.00	0%
\$20,001 to \$100,000 of Building Value	\$940.00	0%
\$100,001 to \$250,000 of Building Value	\$1,332.00	0%
\$250,001 + of Building Value	\$1,699.00 plus \$2.07 per \$1,000 over \$250,000	0%

Class 2 - 9 Buildings (Commercial, Industrial & Public Buildings)

Up to \$5,000	\$680.00	0%
\$5,001 to \$20,000 of Building Value	\$1,357.00	0%
\$20,001 to \$100,000 of Building Value	\$2,163.00	0%
\$100,001 to \$250,000 of Building Value	\$2,715.00	0%
\$250,001 + of Building Value	\$3,295.00 plus \$2.32 per \$1,000 over \$250,000	0%

Contribution Plan (if applicable)

Up to \$100,000	0%	0%
\$100,001 to \$200,000	0.50%	0%
\$200,001 and above	1%	0%

The Long Service Levy Corporation Fee is payable at 0.35% of the value of building and construction work where the cost of the building is \$250,000 or more (inclusive of GST). The levy calculator can be accessed at: longservice.my.site.com/bci/s/levy-calculator



Civil Works

	Fee (Inc. GST)	GST
Plan Checking Fee		
2 - 3 Lots	\$155.00	10%
4 - 20 Lots	\$464.00	10%
21 - 49 Lots	\$774.00	10%
50 Plus Lots	\$1,084.00	10%
Subdivision Construction Certificate	\$1,070.00 or 1.5% of total project cost whichever is greater	0%
Tapping Fee – to be determined on a case by case basis	Actual Cost	10%
Street Trees Contribution – per tree	\$140.00	0%
Contribution Plan (if applicable)		
Up to \$100,000	0%	0%
\$100,001 to \$200,000	0.50%	0%
\$200,001 and above	1%	0%
Headworks Charges (Servicing Plans 1 & 2)		
Filtered water fee (per Lot)	\$1,939.00	0%
Filtered water fee (per Lot) – Trentham	\$5,250.00 or \$5,000.00???	0%
Unfiltered water fee (per Lot)	\$2,100.00	0%
Sewerage Fee (per Lot)	\$10,138.00	0%
Sewerage Fee (per Lot) – Trentham	\$5,250.00 or \$5,000.00???	0%
Stormwater Fee	\$0.98 per sqm of original area to be subdivided	0%

Sundry Building Fees

	Fee (Inc. GST)	GST
Certificate and progress reports on buildings under construction	\$217.00	10%
Minor amendments to Construction Certificates / Complying Development Certificates	\$217.00	0%
Amendment > 50% of plan – Construction / Complying Development Certificates	50% of fee for new application	0%
Re-inspection for a critical stage building inspection	\$128.00	10%
Subscriber fee for provision of ABS data – full year	\$277.00	0%
Search and copy of records (per search)	\$111.00	0%
Private Certifier lodgement fee (EP&A Regulation 2021 Schedule 4)	\$39.00	0%
Submitting application for construction certificate, subdivision works certificate, occupation certificate, subdivision certificate, building information certificate or modification of development consent on the NSW planning portal. (EP&A Regulation 2021 Schedule 4)	\$46.00	0%
Building Information Certificate – Class 1 & 10 where work involves no additional floor space (Fee determined under Part 10 of the <i>Local Government Act 1993</i>)	\$302.00 or \$288.00???	0%
Building Information Certificate – Class 2-9 Buildings where works not exceeding 200m ² (cl 260 EP&A Reg 2000)	\$302.00 or \$288.00???	0%
Building Information Certificate – Class 2-9 Buildings where works between 200m ² -2000m ² (Fee determined under Part 10 of the <i>Local Government Act 1993</i>)	\$302 + \$0.50 per m ² over 200m ²	0%
Building Information Certificate – Class 2-9 Buildings where works exceed 2000m ² (Fee determined under Part 10 of the <i>Local Government Act 1993</i>)	\$1,050 + \$0.50 per m ² over 2000m ²	0%
Inspection Fee where more than one inspection is required prior to issuing a Building Information Certificate (Fee determined under Part 10 of the <i>Local Government Act 1993</i>)	\$121.00	10%
Building Information Certificate where a DA, CDC or CC was required for the erection of the building (Fee determined under Part 10 of the <i>Local Government Act 1993</i>)	\$302.00 plus the maximum fee payable if the application was an application for Development Consent & Construction Certificate or Complying Development Certificate	0%
Infrastructure Protection Permit Fee (includes inspections)	\$256.00	0%
Infrastructure Bond (Refundable) – This bond applies to all construction works \$25,000 and above.	\$3,000.00	0%

Swimming Pool Fence Inspection Fee

	Fee (Inc. GST)	GST
Audit inspection initiated by Council – 1 st Inspection	\$0.00	0%
Mandatory inspection for a swimming pool (cl 19 Swimming Pool Reg 2018)	\$150.00	0%
Follow up inspection when 1st inspection not compliant (cl 19 Swimming Pool Reg 2018)	\$100.00	10%

Local Government Act Approvals

	Fee (Inc. GST)	GST
Application to install on-site Sewerage Management System (Septic Tank/AWTS) - Fee includes up to four inspections	\$579.00	0%
Application to alter on-site Sewerage Management System (Septic Tank/AWTS) - Fee includes up to four inspections	\$579.00	0%
Application to amend existing approval to install an on-site sewerage management system	\$274.00	0%
Install Grey Water System	\$332.00	0%
Amend Grey Water System	\$189.00	0%
Raw Water Sign	\$8.00	10%
Trade Waste Discharge Application Fee	\$818.00	10%
Industrial Sewerage Management System (20 plus persons)	\$818.00	0%
Amendment to Industrial Sewerage Management System (20 plus persons)	\$818.00	0%
Application for approval to connect to sewer	\$579.00	0%
Application to carry out minor changes/repairs to existing plumbing & drainage	\$347.00	0%
Application to alter existing sewer plan	\$579.00	0%
Re-inspection/additional inspection for a mandatory plumbing inspection stage	\$128.00	0%

Section 68 Installation of a Relocatable Home, Moveable Dwelling or Associated Structure

Up to \$5,000 of Building Value	\$70.00 + 0.5%	10%
\$5,001 - \$100,000 of Building Value	\$105.00 + 0.3%	10%
\$100,001 - \$250,000 of Building Value	\$505.00 + 0.2%	10%
>\$250,001 of Building Value	\$802.00 + 0.1%	10%
Stormwater Legal Point of Discharge	\$97.00	0%
Caravan Parks – Inspection fee + (per site) 5 year fee	\$348.00 + \$5.25 (per site)	0%
Caravan Park – Approval to operate – amendment of current approval	50% of a new application fee	0%
Caravan Parks noncompliance re-inspection fee (per hour)	\$234.00	0%
Section 68 Local Government Approvals not otherwise listed – Refer Appendix B	\$311.00	0%

Development Applications**Fee (Inc. GST) GST****Schedule 4 Part 2 of the Environmental Planning and Assessment Regulation 2021**

Up to \$5,000	\$147.00 or \$143.60 (???)	0%
From \$5,001 to \$50,000	\$226.00 plus \$3 per \$1,000 (or part of \$1,000) of the estimated cost	
From \$50,001 to \$250,000	\$469.00 plus \$3.64 per \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000	0%
From \$250,001 to \$500,000	\$1,544.00 plus \$2.34 per \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	0%
From \$500,001 to \$1,000,000	\$2,325.00 plus \$1.64 per \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	0%
From \$1,000,001 to \$10,000,000	\$3,483.00 plus \$1.44 per \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	0%
More than \$10,000,001	\$21,146.00 plus \$1.19 per \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	0%
Development application for advertising signs where the lodgement fee based on the cost of work is more than the development application fee calculated as above	\$379.00 plus \$93.00 for each additional advertisement	0%
Development application for development not involving the erection of a building, the carrying out of a work, the subdivision of land or the demolition of a work or building	\$379.00	0%
Development application for development involving the erection of a dwelling house with an estimated development cost, including GST, of \$100,000 or less	\$606.00	0%
Additional fee for development application that is referred to design review panel for advice	\$3,996.00	0%

Fees for Application for Modification of Consent

	Fee (Inc. GST)	GST
Schedule 4 Part 2 of the Environmental Planning and Assessment Regulation 2021		
Modification under section 4.55 (1)	\$95.00	0%
Modification of DA under S4.55(1A) or & S4.56(1) minimal environmental impact	50% of original DA fee up to the maximum fee of \$859.00 – whichever is the lesser.	
Modification of DA under S4.55(2) or S4.56(1) that does not involve minimal environmental impact if the fee for the original application was less than 1 fee unit	50% of original fee	0%
Modification of DA under S4.55(2) or S4.56(1) that does not involve minimal environmental impact if the fee for the original application was 1 fee unit or more if the application did not involve erection of a building, carrying out of work or demolition of work or building	50% of original fee	0%
Modification of DA under S4.55(2) or S4.56(1) that does not involve minimal environmental impact if the fee for the original application was 1 fee unit or more and the original development application involved the erection of a dwelling house with an estimated development cost of \$100,000 or less	\$253.00	0%
Additional fee where Council is required to give notice under S4.55(2) or S4.56(1) of the Act.	\$866.00	
Additional fee for modification application that is referred to design review panel for advice	\$3,996.00	0%
Additional fee for modification application that is accompanied by statement of qualified designer	\$1,013.00	0%

Fees for Application for Modification of Consent

	Fee (Inc. GST)	GST
Modification for S4.55(2) or S4.56(1) that does not involve minimal environmental impact and the original application fee was 1 unit or more and application relates to an original development application.		
Up to \$5,000	\$73.00	0%
\$5,001 to \$250,000	\$113.00 plus \$1.50 per \$1,000 by which estimated cost exceeds \$5,000.	0%
\$250,001 to \$500,000	\$666.00 plus \$0.85 per \$1,000 by which estimated cost exceeds \$250,000.	0%
\$500,001 to \$1,000,000	\$949.00 plus \$0.50 per \$1,000 by which estimated cost exceeds \$500,000.	0%
\$1,000,001 to \$10,000,000	\$1,314.00 plus \$0.40 per \$1,000 by which estimated cost exceeds \$1,000,000.	0%
More than \$10,000,000	\$6,310.00 plus \$0.27 per \$1,000 by which estimated cost exceeds \$10,000,000.	0%
Request for LEP Amendment	\$9,129.00	0%
Request for s8.2(1) (C) review of decision to reject an application Schedule 4 Part 7 EP&A Reg 2021.		
Where the estimated cost of development is less than \$100,000	\$73.00	0%
Where the estimated cost of development is more than \$100,000 but is less than or equal to \$1,000,000	\$199.00	0%
Where the estimated cost of development is more than \$1,000,000	\$333.00	0%
Request for Review of Determination - Schedule 4 Part 7 EP&A Reg 2021		
Review of development application not involve the erection of building, the carrying out of a work or the demolition of a work or building.	50% of the original lodgment fee	0%
Review of development application involving the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less	\$253.00	0%

Fees for Application for Modification of Consent

	Fee (Inc. GST)	GST
In the case of any other development application		
Estimated development costs up to \$5,000	\$73.00	0%
Estimated development costs of between \$5,001 - \$250,000	\$114.00 plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of the estimated cost exceeding \$5,000	0%
Estimated development costs of between \$250,001 - \$500,000	\$666.00 plus an additional \$0.85 for each \$1,000 (or part of \$1,000) of the estimated cost exceeding \$250,000	0%
Estimated development costs of between \$500,001 - \$1,000,000	\$949.00 plus an additional \$0.50 for each \$1,000 (or part of \$1,000) of the estimated cost exceeding \$500,000	0%
Estimated development costs of between \$1,000,001 - \$10,000,000	\$1,314.00 plus an additional \$0.40 for each \$1,000 (or part of \$1,000) of the estimated cost exceeding \$1,000,000	0%
Estimated development costs in excess of \$10,000,000	\$6,310.00 plus an additional \$0.27 for each \$1,000 (or part of \$1,000) of the estimated cost exceeding \$10,000,000	0%
Where Council is required to give notice under S8.3 of the Act	Up to \$770.70	0%

Subdivisions	Fee (Inc. GST)	GST
Schedule 4 Part 2 of the Environmental Planning and Assessment Regulation 2021		
Development Application Lodgement without road opening	\$440.00 plus \$53 for every additional lot created by the subdivision	0%
Involving opening of a public road	\$885.00 plus \$65 for every additional lot created by the subdivision	0%
Strata Subdivision	\$440.00 plus \$65 for every additional lot created by the subdivision	0%
Subdivision Certificate Application Fee	\$260.40 or \$273.40???? plus \$5.25 per lot	10%
Section 10.7 Certificates		
Certificate under Section 10.7 (2) & (5) - Per Lot	\$173.64	0%
Certificate under Section 10.7 (2) - Per Lot	\$69.00	0%
Certificate under Section 10.7 Urgent Fee	\$174.00	0%
Sewer Diagram	\$26.00	0%
Provision of document map or plan	\$78.00	0%
Certificate under Section 735A of the <i>Local Government Act 1993</i>	\$105.00	10%
Designated Development Schedule 4 Part 3 of the Environmental Planning and Assessment Regulation 2021		
In addition to any other fees payable for a development application an additional fee is payable for a designated development.	\$1,226.00	0%
Designated Development Advertising Fee	\$2,957.00	0%
Integrated Development Schedule 4 Part 3 – item 3.1 of the Environmental Planning and Assessment Regulation 2021		
In addition to any other fees payable for a development application an additional fee is payable for an integrated development (cl 253 EP&A Reg 2000)	\$187.00	0%
Giving notice for nominated integrated development, threatened species development or Class 1 aquaculture development.	\$1,472.00	0%
<i>Note: Applicants are required to pay an additional \$416.34 to each concurrence Authority.</i>		
Any Development Requiring Concurrence not assumed by Council		
Fee to Council as consent authority	\$187.00	0%
<i>Note: Applicants are required to pay an additional \$416.34 to each concurrence Authority.</i>		
Giving Notice of Prohibited Development		
Fee to give notice of Prohibited development	\$1,472.00	0%
Provision of Certified copy of Documents, maps or plans – Schedule 4 Part 9 – item 9.9		
Fee to give notice of Prohibited development	\$69.00	0%

Regulatory Functions

Public Health Program Inspection Fees

Section 68 Local Government Act and Local Government Regulation Fees

(Related to Public Health and Food Related Items)

	Fee (Inc. GST)	GST
Part F(7) - Use a standing vehicle (mobile food vehicle) or any article for the purpose of selling any article (including food) in a public place (Public place - includes a public road, public reserve, public park or the like)		
Approval to sell food at a single event / temporary event	\$80.00	0%
Approval to sell food at multiple events - annual approval	\$202.00	0%
Part F(10) - Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations		
Shared Accommodation Premises - inspection fee per inspection	\$181.00	0%
Hairdressers - Inspection fee per inspection	\$181.00	0%
Skin Penetration Premises - inspection fee per inspection	\$181.00	0%
Public Swimming Pool or Public Spa Pool - inspection fee per inspection	\$181.00	0%

NSW Food Regulation 2025

	Fee (Inc. GST)	GST
Food Shop Administration Charge (yearly)		
Up to and including 5 FTE food handling staff	\$570.00	10%
6 - 50 FTE food handling staff	\$1,170.00	10%
>50 FTE food handling staff	\$5,115.00	10%
Mobile Food Vendor Administration Charge (on non-public place)	\$202.00	10%
Food shop / mobile food vendor inspection fee per hour (Note - minimum fee 1/2 hour and fees to be charged calculated in 1/2 hr increments)	\$194.00	0%
Mobile food van mutual recognition fee	\$180.00	0%
Maximum fee for issuing improvement notice under the Food Act 2003 (NSW) or NSW Food Regulations 2025.	\$370.00	0%
Note: A minimum of 1 inspection conducted annually, depending on hazard rating. Some premises may have up to 4 scheduled inspections per year.		

Public Health Act 2010 & Public Health Regulations 2022 Fees - Schedule 5

	Fee (Inc. GST)	GST
Skin Penetration Premises		
Registration/Change of Details Fee	\$217.00	0%
Administration fee (yearly)	\$228.00	10%
Fee per inspection	\$181.00	0%
Notification of carrying out skin penetration procedure (new premises)	\$116.00	0%
Note - no fee is required for a change of details		
Accommodation Premises		
Registration/Change of Details Fee	\$141.00	0%
Fee per inspection	\$181.00	0%
Cooling Water System/Cooling Towers		
Notification of installation of a cooling water system (cooling tower)	\$132.00	0%
Issue of improvement notice or prohibition order given to occupier of premises at which there is a regulated system	\$700.00	0%
Warm Water Systems		
Application for approval of a warm water system in a hospital	\$210.00	10%
Notification of installation of a warm water system	\$132.00	0%
Issue of improvement notice or prohibition order given to occupier of premises at which there is a regulated system	\$700.00	0%
Swimming Pool and/or Spa Pool		
Registration/Change of Details Fee	\$141.00	0%
Administration fee (yearly)	\$228.00	10%
Fee per inspection	\$116.00	0%
Note: A minimum of 1 inspection conducted annually, depending on hazard rating. Some premises may have up to 4 scheduled inspection per year.		
Other		
Issue of improvement notice or prohibition order given under the <i>Public Health Act 2010</i> or <i>Public Health Regulations 2022</i> to occupier of premises other than premises that have a regulated system.	\$326.00	0%
Re-inspection of premises subject to a prohibition order given under the <i>Public Health Act 2010</i> or <i>Public Health Regulations 2022</i> - per hour.	\$281.00	0%
Application for approval to exhume remains	\$419.00	0%
Application for exemption for cremation documentation	\$116.00	0%
Notification of registration of mortuaries	\$116.00	0%

Property Services	Unit of Measure	Fee (Inc. GST)	GST
Property Officer Time Charge out rate (minimum 1 hour)	Per Hour	\$191.00	10%
Property & Land Tenure Officer (minimum 1 hour)	Per Hour	\$263.00	10%
Application fee for land dealings over Crown/Council land etc (e.g. purchase of operational land, easements, covenants, caveats etc)	Per Application	\$3,045.00	10%
Application fee for landowners consent for DA etc - not for profit organisations	Per Application	\$135.00	10%
Application fee for lease assignment - commercial (not including legal fees)	Per Application	\$3,074.00	10%
Request for information and services - including property and approval searches, requiring a written response	Per Hour	\$263.00	10%
Application to formally close a public road	Per Application	\$3,074.00	10%
Preparation of Native Title Advice	Per Application	\$263.00	10%

Companion Animal Fees

Lifetime Registration Fees

(as per Companion Animals Regulation 2021)

	Fee (Inc. GST)	GST
Dogs		
Registration <i>Registration fee for dogs at 12 weeks of age or when first transferred.</i>	\$80.00	0%
Registration (sold by pound/shelter) <i>Desexed dog sold by an eligible pound/shelter/rehoming organisation</i>	\$0.00	0%
Registration (eligible pensioner) <i>Animal owned by an eligible pensioner</i>	\$35.00	0%
Registration (recognised breeder) <i>Animal not desexed and kept by a recognised breeder for breeding purposes</i>	\$80.00	0%
Registration (desexing not recommended) <i>Registration fee for dogs at 12 weeks of age for animal with written notification from a vet that it should not be desexed</i>	\$80.00	0%
Registration (desexing not recommended - eligible pensioner) <i>Animal owned by an eligible pensioner with written notification from a vet that it should not be desexed</i>	\$35.00	0%
Working Dog <i>Satisfactory written evidence is required.</i>	\$0.00	0%
Service of the State <i>Dog in the service of the State, for example, a police dog</i>	\$0.00	0%
Assistance Animal <i>Animal under 6 months of age training to be an assistance animal, for example, a guide dog</i>	\$0.00	0%
Additional Fee <i>Additional fee is due if the dog is not desexed by 6 months.</i>	\$189.00	0%
Registration late fee <i>Applicable if a registration is not paid for by 28 days after the registration requirement.</i>	\$23.00	0%
Cats		
Registration Desexed or Not Desexed <i>Registration fee for cats at 12 weeks or when sold if earlier than 12 weeks</i>	\$70.00	0%
Registration Desexed (eligible pensioner) <i>Animal owned by an eligible pensioner</i>	\$35.00	0%
Registration (sold by pound/shelter) <i>Desexed cat sold by an eligible pound/shelter/rehoming organisation</i>	\$0.00	0%
Registration (desexing not recommended) <i>Registration fee for cats with written notification from a vet that it should not be desexed</i>	\$70.00	0%
Registration (desexing not recommended - eligible pensioner) <i>Animal owned by an eligible pensioner with written notification from a vet that it should not be desexed</i>	\$35.00	0%
Registration (recognised breeder) <i>Animal not desexed and kept by a recognised breeder for breeding purposes</i>	\$70.00	0%
Registration late fee <i>Applicable if a registration is not paid for by 28 days after the registration requirement.</i>	\$23.00	0%

Note: The lifetime registration fees are set by the Office of Local Government and subject to change by the office of Local Government. The fees shown reflect amendments effective from 1 July 2026.

Annual Permits

	Fee (Inc. GST)	GST
Undesexed Cat <i>Cat not desexed by four months of age</i>	\$96.00	0%
Dangerous dog <i>Dog declared to be dangerous</i>	\$236.00	0%
Restricted dog <i>Dog declared to be a restricted breed or restricted by birth</i>	\$236.00	0%

Note: The Annual Permit fees are set by the Office of Local Government and subject to change by the Office of Local Government and are payable in addition to the one-off lifetime registration fee. The fees shown reflect amendments effective 1 July 2026.

A list of registration categories, current fees and the new fees for 2026/27 is provided on the Office of Local Government's (OLG) website:
www.olg.nsw.gov.au/pets/nsw-pet-registry/registration-and-permit-fees

Other Regulatory Function Charges

	Fee (Inc. GST)	GST
Micro-chipping Service	\$75.00	10%
Surrender Fees	\$128.00	0%
Release Fee - Cats	\$128.00	0%
Release Fee - Dogs	\$128.00	0%
Release Fee - Livestock (per animal)	\$128.00	0%
Livestock Sustenance - per day	\$22.00	10%
Trap Hire - Refundable Deposit	\$30.00	0%
Impounded Vehicles	\$657.00	10%
Animal Services Officer - After hours attendance (in addition to any fines imposed)	\$353.00	10%

Waste Management Charges

Landfill Charges	Unit of Measure	Fee (Inc. GST)	GST
1 Bag of Rubbish		\$10.00	10%
1 Bag of Green Waste		\$3.00	10%
Station wagon / car boot		\$21.00	10%
240 ltr MGB		\$21.00	10%
Domestic (Home) Waste			
6 x 4 Trailer / Utility	Water Level	\$26.00	10%
	Heaped	\$48.00	10%
	Caged	\$71.00	10%
7 x 4 Tandem Trailer or larger	Water Level	\$53.00	10%
	Heaped	\$82.00	10%
	Caged	\$111.00	10%
Commercial/Industrial (Work) Waste			
6 x 4 Trailer / Utility	Water Level	\$42.00	10%
	Heaped	\$72.00	10%
	Caged	\$106.00	10%
7 x 4 Tandem Trailer or larger	Water Level	\$80.00	10%
	Heaped	\$123.00	10%
	Caged	\$168.00	10%
Green Waste (Domestic)			
6 x 4 Trailer / Utility	Water Level	\$8.00	10%
	Heaped	\$12.00	10%
	Caged	\$16.00	10%
7 x 4 Tandem Trailer or larger	Water Level	\$12.00	10%
	Heaped	\$16.00	10%
	Caged	\$20.00	10%
Green Waste (Commercial/Industrial)			
6 x 4 Trailer / Utility	Heaped	\$16.00	10%
	Caged	\$22.00	10%
7 x 4 Tandem Trailer or larger	Water Level	\$16.00	10%
	Heaped	\$22.00	10%
	Caged	\$28.00	10%
Commercial Green Waste > 2m ³	Per tonne	\$166.00	10%

Landfill Charges	Unit of Measure	Fee (Inc. GST)	GST
Commercial, Industrial, Construction & Demolition Waste > 2m ³	Per tonne	\$210.00	10%
Concrete - excluding concrete pipes	Per tonne	\$146.00	10%
Asbestos	Per tonne	\$250.00	10%
Problematic Waste	Per tonne	\$400.00	10%
Clean Fill	Per tonne	\$13.00	10%
Clean fill containing hard waste	Per tonne	\$210.00	10%
Disposal of car bodies		NIL	0%
Car and Motorbike Tyres	Per tyre	\$13.00	10%
Small Truck Tyres	Per tyre	\$27.00	10%
Large Truck Tyres	Per tyre	\$50.00	10%
Super Single Tyres	Per tyre	\$53.00	10%
Tractor Tyres	Per tyre	\$214.00	10%
Large Earthmoving Tyres	Per tyre	\$300.00	10%
Waste Oil - petroleum oils only (Buronga & Wentworth only)		NIL	0%
Scrap Metal - clean fill		NIL	0%
Chemical Drums (clean and dry)		NIL	0%
Recycling (paper, cans, plastic bottles, glass)		NIL	0%
Cardboard, batteries, gas cylinders		NIL	0%
Mattress - Single	Per item	\$24.00	10%
Mattress - Double or bigger	Per item	\$46.00	10%
Unspecified Waste	Per tonne	\$255.00	10%
Weighbridge Certification Fee	Per vehicle	\$25.00	10%
Weighbridge Ticket Reprint	Per ticket	\$16.00	10%
Commercial Recycling (cardboard & Comingle)	Per cubic metre	\$18.00	10%
Contractor Discount – Application approval to be determined on a case by case basis on application to Council		Increased in line with the increase to the per tonne gate rate.	10%

Trade Waste Fees and Usage Charges	Fee (Inc. GST)	GST
Annual Trade Waste Fee		
Category 1 Discharger	\$160.00	10%
Category 2 Discharger	\$317.00	10%
Large Discharger	\$1,067.00	10%
Industrial Discharger	\$317.00	10%
Re-inspection Fee	\$149.00	10%
Trade Waste Usage Charges per kL		
Category 1 Discharge with appropriate equipment ¹	\$0.00	10%
Category 1 Discharge without appropriate pre-treatment	\$9.00	10%
Category 2 Discharge with appropriate equipment ¹	\$298.00	10%
Category 2 Discharge without appropriate pre-treatment	\$27.00	10%
Food Waste Disposal	\$50.00	10%
Non-compliance pH charge		
Value of coefficient K in equation 3 of Liquid Trade Waste Policy	\$8.00	10%
¹ Only applies to liquid trade waste dischargers with appropriately and/or maintained pre-treatment facilities.		

Charges for Tankered Waste Fees ¹	Fee (Inc. GST)	GST
Chemical Toilet (per kL)	\$28.00	0%
Septic Tank Waste		
Per load (up to 5kL) - minimum charge	\$40.00	0%
Per kL thereafter	\$8.00	0%
¹ Only applies to liquid trade waste dischargers with appropriately and/or maintained pre-treatment facilities.		

Charges for use of Riverboat Pump-Out Stations (per each dump)	Fee (Inc. GST)	GST
Disposal of effluent from riverboats	\$38.00	10%
Use of key to access pump out facility (refundable deposit)	\$30.00	0%

Excess Mass Charges Substance price per kg	Fee (Inc. GST)	GST
Aluminium	\$8.00	10%
Ammonia (as N)	\$9.00	10%
Arsenic	\$134.00	10%
Barium	\$66.00	10%
Biochemical oxygen demand (BOD)	\$134.00	10%
Boron	\$134.00	10%
Bromide	\$27.00	10%
Cadmium	\$618.00	10%
Chloride	\$8.00	10%
Chlorinated hydrocarbons	\$66.00	10%
Chlorinated phenolics	\$2,676.00	10%
Chlorine	\$9.00	10%
Chromium	\$44.00	10%
Cobalt	\$27.00	10%
Copper	\$27.00	10%
Cyanide	\$134.00	10%
Fluoride	\$12.00	10%
Formaldehyde	\$9.00	10%
Oil and Grease (Total O&G)	\$8.00	10%
Herbicides/defoliants	\$1,339.00	10%
Iron	\$9.00	10%
Lead	\$66.00	10%
Lithium	\$17.00	10%
Manganese	\$17.00	10%
Mercaptans	\$134.00	10%
Mercury	\$4,461.00	10%
Methylene blue active substances (MBAS)	\$134.00	10%
Molybdenum	\$134.00	10%
Nickel	\$44.00	10%
Nitrogen (Total Kjeldahl Nitrogen - Ammonia) as N	\$32.00	10%

Excess Mass Charges Substance price per kg	Fee (Inc. GST)	GST
Organoarsenic compounds	\$1,339.00	10%
Pesticides general (excludes organochlorines and organophosphates)	\$1,339.00	10%
Petroleum hydrocarbons (non-flammable)	\$10.00	10%
Phenolic compounds (non-chlorinated)	\$20.00	10%
Phosphorous (Total PP)	\$9.00	10%
Polynuclear aromatic hydrocarbons	\$27.00	10%
Selenium	\$95.00	10%
Silver	\$8.00	10%
Sulphate (SO4)	\$8.00	10%
Sulphide	\$9.00	10%
Sulphite	\$9.00	10%
Suspended Solids (SS)	\$8.00	10%
Thiosulphate	\$8.00	10%
Tin	\$17.00	10%
Total dissolved solids (TDS)	\$7.00	10%
Uranium	\$17.00	10%
Zinc	\$27.00	10%

Finance and Customer Service Fees

GIPA Requests	Unit of Measure	Fee (Inc. GST)	GST
Government Information Public Access Request (GIPA)			
Application Fee - as per the Act		\$30.00	0%
Processing Charges (1 st hour included, cost per each hour thereafter) - as per the Act		\$30.00	0%
Internal Review Application Fee - as per the Act		\$40.00	0%
Informal Request (1 st hour included, cost per each hour thereafter) - as per the Act		\$37.00	10%
Subpoenas			
Conduct money on initial lodgement of Subpoena to Produce (includes 1 st two hours of processing charge)		\$132.00	10%
Provision of documents for a Subpoena Processing Charges (1 st two hours no additional charge, cost per each hour thereafter)		\$83.00	10%

Licenses and Permits	Unit of Measure	Fee (Inc. GST)	GST
Tent Erection Fees - outside licensed Caravan Parks		\$151.00	0%
Tent Erection / Clearing		\$866.00	0%
Deposits - Tents for Circus, travelling shows and other commercial enterprises		\$600.00	0%
Valuer General's Insertion into Rates Notices	per hour	\$95.00	0%

Sundry Charges	Unit of Measure	Fee (Inc. GST)	GST
Photocopying/laminating/scanning			
Photocopying	per A4	\$0.25	10%
	per A3	\$0.50	10%
Colour Photocopying	per A4	\$1.00	10%
	per A3	\$2.00	10%
Map Copy Charges - Full Colour	per A2	\$8.00	10%
	per A1	\$12.00	10%
	per A0	\$16.00	10%

Map Copy Charges - Line Art	per A2	\$4.00	10%
	per A1	\$7.00	10%
	per A0	\$8.00	10%
Map Copy Charges - Imagery	per A2	\$12.00	10%
	per A1	\$20.00	10%
	per A0	\$23.00	10%
Laminating	per A4	\$5.00	10%
	per A3	\$9.00	10%
Scanning - small black & white logos etc.		\$7.00	10%
Scanning - colour photos (standard size)		\$9.00	10%
Grants			
Grants – Preparation of funding applications on behalf of others	per hour	\$129.00	10%
Grants – Auspice of grant funds on behalf of others (this covers preparation of reports for funding body & audit certificate)		\$1,959.00 plus 1% of funding amount	10%

Misc. Rates Charges	Unit of Measure	Fee (Inc. GST)	GST
603 Certificate		\$105.00	0%
603 Certificate Urgent Request - additional fee		\$171.00	0%
Special Meter Reading - 603 Certificate		\$95.00	0%
Meter Check - Fault Report		\$161.00	0%
Copy of Rates/Water Notice (per copy)		\$10.00	0%
General Administration Fee		\$25.00	0%
Extraction from Valuation Book		\$28.00	0%
Rural Addressing - Provision of new address plate or replacement plate		\$60.00	10%
Account review administration fee		\$180.00	10%
Dishonour Fee (Bpay, Bill Pay & Direct Debit)		\$32.00	10%
Interest on overdue rates		9.50%	0%

Note: These fees are GST exempt if associated with the provision of regulatory information

Library Fees

Service	Fee (Inc. GST)	GST
Inter-library Loans, Late returns and Damages		
Inter-library Loans	\$3.00	10%
Lost or Damaged Items	Original Cost + \$7.00	10%
Book Covering		
Plastic / contact (small)	\$4.00	10%
Plastic / contact (medium)	\$5.00	10%
Plastic / contact (large)	\$5.00	10%
Dust jacket (small)	\$5.00	10%
Dust jacket (medium)	\$5.00	10%
Dust jacket (large)	\$6.00	10%
Photocopying / Printing / Scanning		
A4 photocopy or print	\$0.25	10%
A4 photocopy - coloured print	\$1.00	10%
A3 photocopy or print	\$0.50	10%
A3 photocopy - coloured print	\$2.00	10%
Laminating		
Business card	\$5.00	10%
A4	\$5.00	10%
A3	\$9.00	10%
Replacement Library Card		
Adult	\$3.00	0%
Child	\$3.00	0%
Visitor Deposit (refundable)	\$20.00	0%

Roads and Engineering Support

Service	Fee (Inc. GST)	GST
Road Opening Permits		
Permit	\$207.00	0%
Refundable deposits¹		
Road opening fee	\$525.00	0%
For works in a constructed nature strip with concrete footpath	\$370.00	0%
For works in an unpaved constructed nature strip	\$210.00	0%
New works which may affect Council assets such as footpaths, sewer, drainage & water supply	\$1,420.00	0%
Traffic Management Plans		
Plan Preparation Fee	\$207.00	10%
Plan Assessment Fee	\$189.00	0%
Hire Fee per day - Signs / Bollards / Traffic Cones	\$40.00	10%
Refundable Deposit²		
Hire of Signs / Bollards / Traffic Cones	\$200.00	0%
Bins		
Bin Hire (per bin, per day - includes 1 emptying/cleaning)	\$29.00	10%
Each additional empty/clean (per bin)	\$29.00	10%
Replacement of Mobile Garbage Bin	Actual Cost	10%
Miscellaneous Services		
Hire of barbeque - per day	\$248.00	10%
Access permits - Heavy Vehicle National Law	\$128.00	10%
Weeds Inspections		
Inspections within the built-up horticultural areas (i.e. Wentworth to Monak)	\$234.00	10%
Inspections in rural areas (travel is calculated to and from the property)	\$234 plus \$55/hr after the first 2 hours + .85c per km	10%
Grid Replacement (refer to Fencing and Grid Policy) added 18/03/2020		
Co-contribution towards fencing when removal of a grid has been agreed to in writing.	Up to \$2,500 per km of fencing for a maximum amount of 5km per grid.	10%

Notes:

1. On completion of the job, the deposit will be refunded, less the restoration charges and any additional costs which may be required to restore the trench.
2. The restoration charge covers sealing and relaying of concrete surfaces and the top surface for gravel and earth. Any additional works are an extra charge. If the costs are greater than the deposit, a charge will be made.

Hire of Plant Items

Plant Item (refer notes) (Price per hour unless otherwise stated)	Plant Number (s)	Unit of measure	Fee (Inc. GST)	GST
CAT 12M	533 & 534	per hour	\$437.00	10%
Tractors and Implements	34, 39 & 51	per hour	\$306.00	10%
CAT Backhoe	30	per hour	\$272.00	10%
CAT 910F FEL	31	per hour	\$272.00	10%
John Deere Tractor & Implements	41	per hour	\$349.00	10%
CAT D6 Dozer	36	per hour	\$437.00	10%
JCB Loadalls	44	per hour	\$315.00	10%
CAT 938F FEL	47	per hour	\$285.00	10%
Low Loader	75	per hour	\$437.00	10%
Bitelli MT Rollers	56 & 57	per hour	\$306.00	10%
CAT 613B scraper	55	per hour	\$349.00	10%
Bomag Vib Roller	58	per hour	\$272.00	10%
Mobile Street Sweeper	65	per hour	\$272.00	10%
Bobcat & Attachments	62	per hour	\$459.00	10%
CAT mini excavator	67	per hour	\$459.00	10%
Water Carts	513, 519 & 523	per hour	\$251.00	10%
Truck and Dogs	483 & 520	per hour	\$338.00	10%
Truck and Dogs	531 & 771	per hour	\$338.00	10%
Tip Truck	536	per hour	\$272.00	10%

Notes:

1. The above rates include the hire of the equipment and a qualified operator.
2. These rates are for weekday work only. Any works required to be done out of normal working hours or on weekend will incur additional penalty rates.
3. The above hire charges have been set so as to be similar to, or above the rate of, local contractors.

Cemeteries

Lawn Section

Wentworth, Gol Gol, Pooncarie and Coomealla	Fee (Inc. GST)	GST
Basic Burial (includes purchase of burial plot, plus 1 st interment)	\$3,246.00	0%
Purchase of burial plot	\$1,286.00	0%
1 st interment	\$1,960.00	0%
2 nd interment	\$1,960.00	0%
Placement of infant in existing grave site (shelved grave)	\$1,218.00	0%
Removal or exhumation of body (Court consent if necessary)	Actual Cost	10%
Removal of ashes - Consent required	Actual Cost	10%
Placement of ashes in a burial plot	\$543.00	0%
Affixing a plaque	\$342.00	10%

Monumental (Denominational)

Wentworth, Gol Gol, Pooncarie and Cal Lal	Fee (Inc. GST)	GST
Basic Burial (includes purchase of burial plot, plus 1 st interment)	\$3,465.00	0%
Purchase of burial plot	\$1,286.00	0%
1 st interment	\$2,179.00	0%
2 nd interment	\$2,387.00	0%
Placement of infant in existing grave site (shelved grave)	\$1,218.00	0%
Removal or exhumation of body (Court consent if necessary)	Actual Cost	10%
Removal/replacement of monument for excavation (works to be undertaken by a Monumental Mason)	Actual Cost	10%
Removal of ashes - Consent required	Actual Cost	10%
Placement of ashes in plot	\$543.00	0%
Affixing a plaque	\$342.00	10%
Cal Lal Cemetery – all purchases and interments quoted on a case by case basis	Actual Cost	10%

Niche Wall**Coomealla Memorial Gardens**

	Fee (Inc. GST)	GST
Purchase Plot in Niche Wall - includes purchase of standard size black stone tile (maximum of 2 sets of ashes per plot)	\$802.00	0%
Placement of ashes in Niche Wall & fixing of stone tile (per set of ashes). <i>NB Engraving of stone tile is not included. Must be a black tile – Halls Memorial to engrave.</i>	\$591.00	10%
Re-open of existing Niche	\$543.00	10%
Location and consent to place Monument or Headstone	\$208.00	10%
Amendment to Headstone	\$54.00	10%
Removal of Ashes - Consent required	Actual Cost	10%

Ground Plots**(placement of plaques or memorial items)**

	Fee (Inc. GST)	GST
Coomealla, Wentworth and Gol Gol – Basic Ashes Interment (includes ground ashes plot plus, placement of ashes)	\$1,136.00	0%
Purchase of a Ground Plot	\$593.00	0%
Placement of ashes in ground plots	\$543.00	0%
Re-open of existing Ground Plot	\$543.00	0%
Removal of ashes - Consent required	Actual Cost	10%

Ashes Columbarium

	Fee (Inc. GST)	GST
Gol Gol and Wentworth (maximum of 2 sets of ashes per columbarium)	\$802.00	0%
Placement of ashes in Columbarium (per set of ashes) <i>NB: engraving of stone tile is not included – contact Sunraysia Memorials</i>	\$591.00	0%
Re-open of existing ashes columbarium compartment	\$543.00	0%

Plot Selection

	Fee (Inc. GST)	GST
On-site attendance by WSC Officer to assist in plot selection	\$107.00	10%
Cemetery Administration Fee	\$107.00	10%
Memorial seating – purchase & installation of approved memorial seat and supply of plaque for engraving by purchaser. <i>NB There is the option to halve the cost by installing two memorial plaques on one seat.</i>	Actual Cost	10%

Additional Notes**(all cemeteries and memorials)**

	Fee (Inc. GST)	GST
Additional fee – internments conducted on weekends and public holidays (only available between 9.00am and 1.00pm)	\$536.00	10%
Placement of black granite remembrance plaque – (150 x 150mm) – Sextons Hut Wentworth Cemetery (includes inscription & installation)	\$643.00	10%

As from 01 July 2019 internments are charged at the applicable rate at the time of internment and are not able to be pre-paid. All pre-paid internments prior to this date will be honored.

All internments are subject to an additional internment services levy as from 01 July 2025. This is to be charged on top of the charges, except for internment services for children under twelve (12) years old, stillborn and miscarriages and destitute people.



For further information, scan the QR code or visit:
www.cemeteries.nsw.gov.au/industry-regulation/interment-services-levy

\$178.20 per bodily burial
(inc. GST)

\$71.50 per ashes internment
(inc. GST)

\$47.30 per cremation
(inc. GST)

Recreational Facilities

Casual Hire of Shire Owned Halls, Meeting Rooms and Sporting Pavilions/ Stadiums

(NB Midway Centre fees are listed separately)

Including; Anabranh Hall, Curlwaa Hall, Dareton Senior Citizens Room, Pomona Hall, Pooncarie Hall, Wentworth Memorial Room, Community Meeting Room, Wentworth Showgrounds Community Pavilion, Wentworth Town Hall.

Hire Type - Building only with access to any amenities

	Fee (Inc. GST)	GST
Community Use		
Community (not for profit) 4 hours or less ¹	\$62.00	10%
Community (not for profit) more than 4 hours ¹	\$135.00	10%
Bond Community Group ²	\$100.00	0%
Per day fee for use of Anabranh Hall amenities in relation to camping on the Anabranh. <i>Please note a bond of \$500 will apply. Does not include use of the Hall.</i>	\$62.00	10%
Business or Private Function use - Includes reunions or other private gatherings or business/ trade related functions where no entry fees are charged.		
4 hours or less	\$156.00	10%
4 hours to 24 hour period	\$313.00	10%
Bond Business or Private Function	\$500.00	0%
Commercial Function per 24 hour period - Includes any event where there will be an entrance fee charged or any Trade Show, Fair, Field Day or other event at which goods will be sold.		
4 hours or less	\$313.00	10%
4 hours to 24 hour period	\$517.00	10%
Bond Commercial Function (GST Free)	\$500.00	0%
Weekly Rate - Any Single Hirer		
Discount applied to Daily rate x 5 or 7 days	10% discount	10%

Hire Type - Park, Oval and Reserve with access to any amenities

Including; Buronga Wetlands, Carramar Drive Sporting Complex, Coomealla Pioneer & Lions Parks, Curlwaa Oval, Dareton Boat Ramp Rotunda & Town Square, George Gordon Sporting Complex, Golf Course & Public Reserve, Fotherby Park, James King Park, Junction Park, McLeod Oval, O'Donnell Park, Perry Sandhills, Pooncarie Multi-Purpose, Pooncarie Sporting Complex, Strother Park, Sturt Park, Tapio Park, Two Rivers Ski Recreation Reserve, Wentworth Rowing Club & Wharf Lawns.

	Fee (Inc. GST)	GST
Community Use		
Community (not for profit) Half Day Hire – hire cost is for each designated area per 0-4 hour period.	\$62.00	10%
Community (not for profit) Day Hire more than 4 hours – hire cost is for each designated area per each 24 hour period.	\$135.00	10%
Bond - Community Group.	\$100.00	0%
Multi-area discount	25%	10%
Business or Private Function per 24 hour period <i>NB - Includes reunions or other private gatherings or business/trade related functions where no entry fees are charged.</i>		
4 hours or less – hire cost is for each designated area per 0-4 hour period	\$156.00	10%
Day Hire more than 4 hours – hire cost is for each designated area per each 24 hour period.	\$313.00	10%
Bond – Business or Private Hire.	\$500.00	0%
Bond - Small civil ceremonies, no items to be erected and no catering.	\$100.00	0%
Multi-area discount	25%	10%
Commercial Events, Circus or other performances <i>NB - Includes any event for which there will be an entrance fee or ticket sold, or any Trade Shows, Fairs, Field Days or other event at which goods will be sold.</i>		
4 hours or less – hire cost is for each designated area 0-4 hour period	\$260.00	10%
Day Hire more than 4 hours – hire cost is for each designated area per each 24 hour period	\$517.00	10%
Bond Commercial Events, Circus or Other Performance	\$1,000.00	0%
Weekly Rate - Any Single Hirer		
Discount applied to Daily rate x 5 or 7 days	10% discount	10%
Multi-area discount	25%	10%

Hire Type – Primitive Camping on any reserve (per 24 hour period)

NB: Camping is only permissible in conjunction with an event being staged at the site

	Fee (Inc. GST)	GST
Unpowered Site – per person x 2 people	\$30.00	10%
Extra Child	\$7.00	10%
Extra Adult	\$14.00	10%
Family	\$45.00	10%
Powered Site – per person x 2 people	\$44.00	10%
Extra Child	\$8.00	10%
Extra Adult	\$15.00	10%
Family	\$59.00	10%

Additional Notes

¹ Registered Schools (including Pre-Schools, Kindergartens and School P&C, providing they are raising money for a registered school) operating within the Wentworth Shire are granted automatic fee waivers for the hire of any Council Reserves. Any preparation costs (such as line marking of ovals) will be charged at standard cost. Bookings must still be made.

² For Community/Private use, a charge will only apply in the following instances:

- If there are more than 50 people expected to attend.
- If the booking requires inflatable/amusement devices etc.
- If the booking requires the use of onsite power or the supply of bins.
- If the booking requires a road closure.

Additional Charges - All Hirings Cleaning & Rubbish removal

NB: The cost for cleaning & rubbish removal will be deducted from the bond. An invoice will be raised for amounts in excess of the bond paid.

Cancellation or no show

- | | |
|---------------------------------------|-------------------------------|
| • Greater than 90 days prior to event | Full refund less deposit paid |
| • Less than 90 days prior to event | 50% refund |
| • Less than 1 week prior or no show | Full forfeiture |
| • Bond | Fully refundable |

N.B: No Primitive camping fees will be charged where a licensed User of the Reserve is holding an event.

Wentworth Showgrounds Hire

The following areas are available for hire:

- Horse Yards & Stalls
- Festival Parade
- Arena
- Dog Show Parkland

Camping is not permitted at the showgrounds unless it is in conjunction with an event.

Hire Type

Casual Hire of Showgrounds

	Unit of Measure	Fee (Inc. GST)	GST
Hire of Designated Areas and amenities. Hire cost is for each designated area per each 24 hour period.	Per area	\$207.00	10%
Bond		\$500.00	0%
Cleaning & Rubbish removal (all hirings) <i>Note: The cost for cleaning & rubbish removal will be deducted from the bond. An invoice will be raised for amounts in excess of the bond paid.</i>		Actual Cost	10%

Camping (per 24 hour period)

NB: Camping is only permissible in conjunction with an event being staged at the site

	Unit of Measure	Fee (Inc. GST)	GST
Unpowered Site	Per site	\$30.00	10%
Extra Child	Per site	\$7.00	10%
Extra Adult	Per site	\$14.00	10%
Powered Site	Per site	\$44.00	10%
Extra Child	Per site	\$8.00	10%
Extra Site	Per site	\$15.00	10%

A cancellation fee will be charged as follows:

Cancellation or no show

- Greater than 90 days prior to event
- Less than 90 days prior to event
- Less than 1 week prior or no show
- Bond

Full refund less deposit paid
50% refund
Full forfeiture
Fully refundable

Permissive Occupancy Licence Fees

	Fee (Inc. GST)	GST
Application Administrative Fee (new or transfer)	\$284.00	10%
Annual Rent Payable	\$294.00	10%

Reserve Annual Use Fees and Charges

	Unit of Measure	Fee (Inc. GST)	GST
Reserve Lease Application/Administration Fee (Commercial Lease) <i>Note: If legal advice is required, this is charged at cost price.</i>		\$314.00	10%
Reserve Licence Application/Administration Fee (Commercial Licence) <i>Note: If legal advice is required, this is charged at cost price.</i>		\$314.00	10%
Annual Licence to occupy the reserve		\$314.00	10%
Urgency fee - application made less than 7 days - non refundable		\$189.00	10%
Bond		\$500.00	0%
Photography & Film Production			
Filming fee (non-commercial/not for profit organisation)	Per Licence	\$314.00	10%
Filming fee (commercial)	Per Licence	\$387.00	10%
Filming Application fee (non-refundable)	Per Licence	\$126.00	10%

Local Markets Stallholders and Food Vendors

	Unit of Measure	Fee (Inc. GST)	GST
Stallholders – Public Liability Provided by Stallholder			
Single Site	Per Site	\$18.00	10%
Double Site	Per Site	\$23.00	10%
Stallholders – Public Liability Provided by Council			
Single Site	Per Site	\$23.00	10%
Double Site	Per Site	\$28.00	10%
Food Vendors			
Refundable Deposit	Per Event	\$100.00	0%

Sundry Fees and Charges	Unit of Measure	Fee (Inc. GST)	GST
Event Management Fee - for groups without public liability insurance	Per hire	\$62.00	10%
Power - access and any use within 24 hour period from time of access	Per day per unit accessed	\$40.00	10%
Key Replacement - lost key or not returned	Per key	Actual Cost	10%
Event Advertising - relates to any road closure, fireworks display, or other event with the potential to cause disruption to traffic, noise or other public disturbance	Per event	\$313.00	10%
Hire of Pooncarie Depot Quarters	Per person, per night	\$95.00	10%

Swimming Pools	Unit of Measure	Fee (Inc. GST)	GST
Admission Charges			
Children		\$5.00	10%
Adults		\$6.00	10%
Non-swimming adults		\$5.00	10%
Swimming Carnivals			
Admission charges for swimming carnivals and out of session groups are by arrangement between Belgravia Leisure and group representatives			
Season Tickets			
Family		\$130.00	10%
Adults		\$87.00	10%
Children		\$65.00	10%

Aerodrome	Unit of Measure	Fee (Inc. GST)	GST
Airport Landing Charge (ALC)	Per tonne	\$20.00	10%
Aircraft Parking Charge (APC) – short term	Per day or part day	\$15.00	10%
Aircraft Parking Charge (APC) – long term	Per month	\$281.00	10%
Aircraft Parking Charge (APC) – Non Lease/Apron/Tie Down Areas	Per day or par day	\$6.00	10%
Training Aerodrome Circuits (TAC) – Day Rate	Per hour	\$46.00	10%
Training Aerodrome Circuits (TAC) – Night Rate	Per hour	\$69.00	10%
Airside Supervision Charge (ASC) – Business Hours	Per ARO	\$141.00	10%
Airside Supervision Charge (ASC) – After Hours	Per ARO	\$204.00	10%
Airside Environmental Charge (AEC) – Minimum Charge		\$270.00	10%
Aircraft Hanger Charge (AHC) – New	Per year	On application	10%
Call Out Fee (COF) – minimum 2 hour charge	Per hour	\$141.00	10%
Vehicle Parking Charge (VPC)	Per day or part day	\$3.00	10%

Fibre Optic Symphonic Orchestra (FOSO)

(FOSO)	Unit of Measure	Fee (Inc. GST)	GST
General Admission			
Adult (aged 16+ years)	Per adult	\$35.00	10%
Child (aged 3-16 years)	Per child	\$15.00	10%
Infant (aged 0-3 years)	Per infant	\$0.00	10%
Concession Card Holder (Seniors Card, Carers Card, Student ID or Health Care Card)	Per card holder	\$22.00	10%
Companion Card Cardholder	Per card holder	\$0.00	10%
Family Discount (2 adults and 2 or more children)	Per family	\$85.00	10%
Group Booking (for groups 10-19 people)	Per group	15% discount	
Local Resident Admission			
Adult (aged 16+ years)	Per adult	\$25.00	10%
Child (aged 3-16 years)	Per child	\$12.50	10%
Infant (aged 0-3 years)	Per infant	\$0.00	10%
Concession Card Holder (Seniors Card, Carers Card, Student ID or Health Care Card)	Per card holder	\$17.50	10%
Companion Card Cardholder	Per card holder	\$0.00	10%
Local Family Discount (2 adults and 2 or more children)	Per family	\$60.00	10%
Group Booking (for groups 10-19 people)	Per group	15% discount	

Midway Community Centre

Midway Centre

Hire Fees

	Unit of Measure	Fee (Inc. GST)	GST
Midway Function Centre & meeting rooms			
Stadium (includes stage area)	per hour	\$169.00	10%
Function Room and shared foyer	per hour	\$141.00	10%
Service kitchen (includes crockery, cutlery & glassware for 250 persons)	per use	\$212.00	10%
Meeting Room 1 with shared foyer and shared kitchenette	per hour	\$56.00	10%
Meeting Room 2 with shared foyer and shared kitchenette	per hour	\$56.00	10%
Foyer / Gallery Space (as a stand-alone space)	per hour	\$44.00	10%
Midway Serviced Offices			
Health Services Room with shared foyer & shared kitchenette	per hour	\$56.00	10%
Office 1 or 2 with shared foyer & shared kitchenette	per hour	\$44.00	10%
Service Centre Facilities			
<i>NB these facilities are only available during centre opening hours</i>			
Service Centre Officer 1 or 2	per hour	\$56.00	10%
Craft Room	per hour	\$56.00	10%
Bond and cleaning charges	On room hire	25%	
Bond - groups of 30 people or more	no discount	\$750.00	0%
Bond - Not for Profit Groups/groups of less than 30 people	no discount	\$200.00	0%
One-off Cleaning Charge (if required). Minimum charge \$200.00 deducted from the bond. An invoice will be raised for amounts in excess of the bond paid.	per clean	Min. \$200.00	10%

Midway Centre**Hire Packages & discounts**

	Unit of Measure	Fee (Inc. GST)	GST
Daily Rate			
Stadium, Function Room, Service kitchen, Meeting Rooms 1 & 2 and Foyer/Gallery Space.	24 hours	\$5,277.00	10%
Stadium, Function Room, Service kitchen and Foyer/Gallery Space.	24 hours	\$3,928.00	10%
Stadium	24 hours	\$2,027.00	10%
Function Room, Service kitchen and shared foyer/gallery space	24 hours	\$1,899.00	10%
Multi-day Discount			
Hire package for 2 full consecutive days. For events booked before 30 June 2027 to be held before 30 June 2028.	discount applied to daily rate	15%	10%
Hire package for 3 full consecutive days. For events booked before 30 June 2027 to be held before 30 June 2028.	discount applied to daily rate	20%	10%
Not for Profit Groups (refer definitions)			
Not for Profit Community Groups based in Wentworth Shire Council <i>NB cannot be used in conjunction with any other discounts.</i>		75%	10%
All other Not for Profit Groups <i>NB cannot be used in conjunction with any other discounts.</i>		50%	10%
Regular User Discount (12 month user agreement as negotiated by Council)	from standard hourly rate	75%	10%

Equipment & labour hire

	Unit of Measure	Fee (Inc. GST)	GST
Teleconference equipment	Each use	\$49.00	10%
Video Conferencing in Meeting Room 1 & 2. Data Projector & Audio System with wireless microphone in Function Room	Each use	\$27.00	10%
Urn (20 litre capacity)	Each Use	\$17.00	10%
Labour hire (assistance with set up and pull down) – if required	per person/per hour	\$44.00	10%
Event facilitation and coordination (if required)	per hour	\$212.00	10%
On-site IT support (if required)	per hour	\$212.00	10%

Midway Centre Hire Fees - Additional Notes

Midway Centre Stadium

- Stadium court with permanent line marking for basketball and netball
- Stage area, with maximum seating capacity of 700
- Full sound system

Function Room

- Carpet floor
- Audio Visual Equipment
- Tables & Chairs included in hire charge
- Maximum seating capacity of 250

Function Room Kitchen

- Service Kitchen with crockery & cutlery for 250 people

Meeting Rooms

- Carpet Floor
- Tables & Chairs included in hire charge
- Maximum seating capacity (each room) 40

Kitchenette (shared)

- Service or bar kitchen
- Limited quantity of crockery & cutlery

Offices

- Office with desk/ meeting table and 4 chairs
- Access to shared kitchen facilities

Multi-day not for profit discount

The discount can only be applied to Registered Not for Profit Organisations, Government and Semi-Government users, State and Federal Members of Parliament. The discount cannot be added to any other discounts.

Regular User discount

The discount can only be applied to users who have entered into a 12 month signed agreement approved by Council.

Additional cleaning charge

Failure to leave the venue clean and tidy, with floors mopped and or vacuumed, toilets cleaned, benches wiped and bins emptied will result in an additional cleaning charge being applied.

Bookings and cancellations

- A 20% non-refundable deposit must accompany all bookings, including bookings for community groups who are making application through Council for fee reductions or waivers.
- Unless otherwise agreed, an invoice will be raised and must be paid in full within 30 days. Any fee waiver or reduction granted by Council after payment of the invoice will be refunded to the hirer.
- Payment of the bond must be made before access permissions are issued for the facility.

A cancellation fee will be charged as follows:

Cancellation or no show	Amount
Greater than 90 days prior to the event	Full refund less deposit paid
Less than 90 days prior to the event	50% refund
Less than 1 week prior to the event or no show	Full forfeiture
Bond	Fully refundable

Wentworth Visitor Centre Conference Room

	Unit of Measure	Fee (Inc. GST)	GST
Private/Government – Per hour	Per use	\$525.00	10%
Private/Government – Per day	Per use	\$1,575.00	10%
Private/Government – Bond		\$750.00	0%
Community – Per hour	Per use	\$263.00	10%
Community – Per day	Per use	\$788.00	10%
Community – Bond		\$350.00	0%
One-off Cleaning Charge (if required). Minimum charge \$200.00 deducted from the bond. An invoice will be raised for amounts in excess of the bond paid.			

Hire Packages & discounts

For events booked before 30 June 2027 to be held before 30 June 2028.

	Unit of Measure	Discount	GST
Multi-day discount – Hire package for 5 full consecutive days	Per use	25%	10%

Wentworth Visitor Centre Conference Room Hire Fees - Additional Notes

Conference Room

- Large area overlooking the Darling River
- Carpet floor
- Full sound system / Audio Visual Equipment
- Tables & Chairs included in hire charge
- Maximum seating capacity of 150

A cancellation fee will be charged as follows:

Cancellation or no show	Amount
Greater than 90 days prior to the event	Full refund less deposit paid
Less than 90 days prior to the event	50% refund
Less than 1 week prior to the event or no show	Full forfeiture
Bond	Fully refundable

Auditorium Service Kitchen

- Service Kitchen with crockery & cutlery for 150 people

Additional cleaning charge

Failure to leave the venue clean and tidy, with floors mopped and or vacuumed, toilets cleaned, benches wiped and bins emptied will result in an additional cleaning charge being applied.

Bookings and cancellations

- A 20% non-refundable deposit must accompany all bookings, including bookings for community groups who are making application through Council for fee reductions or waivers.
- Unless otherwise agreed, an invoice will be raised and must be paid in full within 30 days. Any fee waiver or reduction granted by Council after payment of the invoice will be refunded to the hirer.
- Payment of the bond must be made before access permissions are issued for the facility.

Water & Waste Water

Filtered and unfiltered water supply

	Fee (Inc. GST)	GST
Tapping Fees		
20mm	\$585.00	0%
25mm	\$731.00	0%
32mm	\$935.00	0%
40mm	\$1,124.00	0%
50mm	\$1,405.00	0%
80mm	\$2,247.00	0%
100mm	\$2,808.00	0%
150mm	\$4,213.00	0%
Meter Charges - Filtered		
20mm	\$391.00	0%
25mm	\$487.00	0%
32mm	\$624.00	0%
40mm	\$748.00	0%
50mm	\$935.00	0%
80mm	\$1,497.00	0%
100mm	\$1,871.00	0%
150mm	\$2,806.00	0%
Meter Charges - Unfiltered		
20mm	\$417.00	0%
25mm	\$522.00	0%
32mm	\$667.00	0%
40mm	\$800.00	0%
50mm	\$1,000.00	0%
80mm	\$1,600.00	0%
100mm	\$2,000.00	0%
150mm	\$3,001.00	0%

Misc. Water and Sewer Charges

	Fee (Inc. GST)	GST
Standpipe fee	\$3,938.00	0%
Flow control valve - for unfiltered water to subdivisions - East of Gol Gol creek and at Wentworth Aerodrome	\$78.00	0%
Cut in new sewer junction (supervision fee only - applicant to supply all fittings)	\$246.00	0%
Notes:		
• Meter Charge is from the meter to inside of building/property • Meter Charge includes inspection fee • Unfiltered water includes "Y" strainer		

Appendix A - Bodies Granted Exemptions

The following list represents the known value of pre-approved Financial Assistance that have been granted to Organisations for the 2026/2027 financial year.

Organisation	Purpose	Qty	\$ Waived
Australian Inland Botanic Gardens	Contribution to operational costs	1	\$56,637.00
Buronga Gol Gol Senior Citizens Club	Contribution towards photocopying done at the Buronga Library	1	\$205.00
Buronga Gol Gol Senior Citizens Club	Regular hiring of Midway Meeting Rooms, Kitchen and Foyer @ 3 hours per week	N/A	\$15,860.00
Coomealla Senior Citizens Club	Regular hiring of Dareton Senior Citizens Rooms (bond waived)	N/A	\$12,934.00
Coomealla Senior Citizens Club	Refund of public liability insurance premium up to maximum of \$702.00	1	\$737.00
Dareton Community Action Team	Waiver of Annual Licence Fee for meetings at Dareton Senior Citizens Rooms	1	\$314.00
Dareton Community Creative Centre Inc.	Waiver of hire costs for the use of the Dareton Activity Centre	1	\$5,131.00
Gol Gol Hawks Football Netball Club	Use of James King Park for annual Easter fundraising activities	1	\$492.00
Gol Gol Primary School	Hiring of wheelie bins for annual country fair	10	\$590.00
Koori Kids	Donation	1	\$250.00
Murray House Aged Care	Subsidy against annual water rates	1	\$5,000.00
New South Western Standard Bulletin	Exclusive use of Council controlled building	N/A	\$9,806.00
Rotary Wentworth Op Shop	Exclusive use of Council controlled building	N/A	\$13,890.00
St John's Anglican Ladies Guild	2 Annual Hire Fees for War Memorial Rooms	2	\$124.00
Wentworth Combined Churches	Wentworth Town Hall Hire – Community Carols	1	\$135.00

Organisation	Purpose	Qty	\$ Waived
Wentworth District R.S.L Sub Branch	Hiring of Wentworth Wharf Lawns (bond waived) for annual ANZAC day lunch	1	\$135.00
Wentworth District R.S.L Sub Branch	Hiring of wheelie bins for annual ANZAC day lunch	4	\$116.00
Wentworth District R.S.L Sub Branch Women's Auxiliary	Annual licence fee for meetings held in Memorial Rooms	1	\$314.00
Wentworth Regional Community Project Association.	Hire of Rubbish Bins for Christmas Eve Street Party	8	\$232.00
Wentworth Senior Citizens Club	Regular hiring of Wentworth Memorial Rooms (bond waived) 12 uses @ \$117 per day and 24 uses @ \$53 (1/2 day)	N/A	\$3,108.00
Wentworth Senior Citizens Club	Refund of public liability insurance premium up to maximum of \$1,124	1	\$1,180.00
Wentworth Shire Interagency Group	Hire of Room at Midway	10	\$278.00
Total amount of funds granted from Donations, Contributions and Grants Program			\$127,468.00

Notes:

(1) Registered Schools (including pre-schools, kindergartens and School P&C raising money for registered School) operating within the Wentworth Shire are granted automatic fee waivers for the hire of any Council venue (hall, meeting room). Any preparation costs (such as line marking of ovals) will be charged at standard cost. Bookings must still be made.

(2) Public Schools operating within the Wentworth Shire end of year presentation day, up to a maximum of \$300.00 per school

Appendix B – Section 68 Local Government Act Approvals Not Otherwise Listed Health & Planning Division

Public Roads

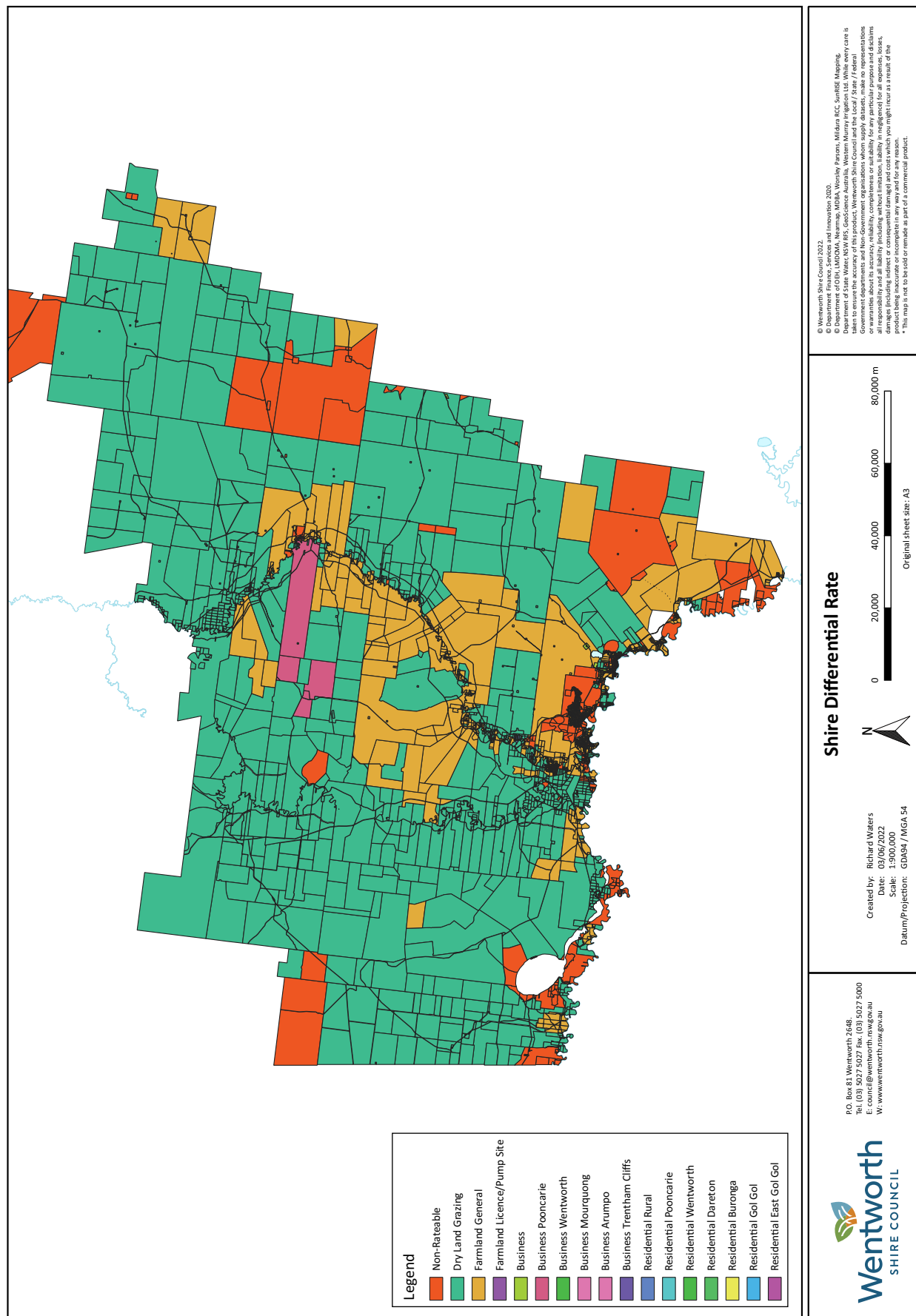
1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

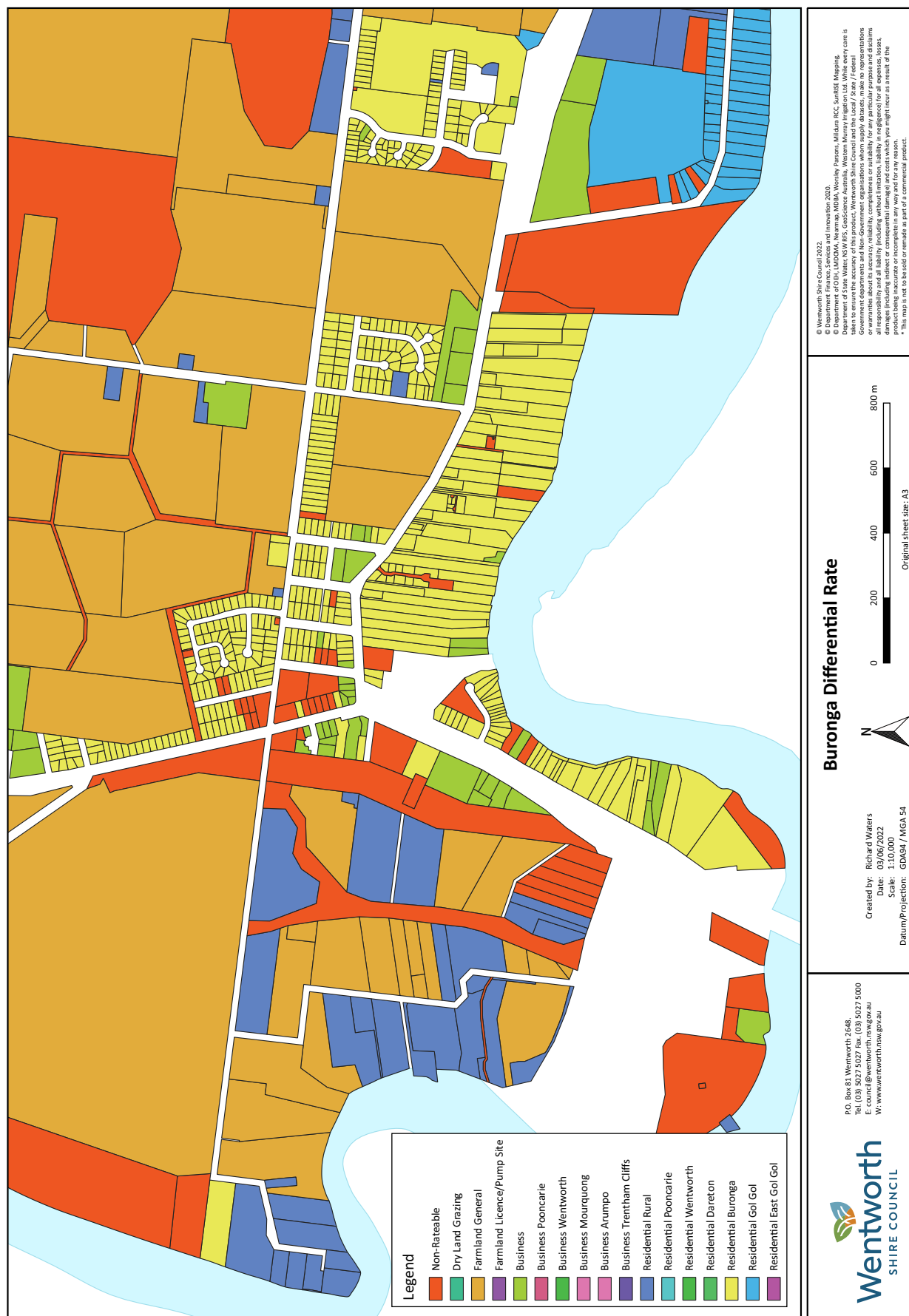
Other Activities

1. Operate a public car park.
2. Operate a manufactured home estate.
3. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
4. Install or operate amusement devices.
5. Use a standing vehicle or any article for the purpose of selling any article in a public place.
6. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

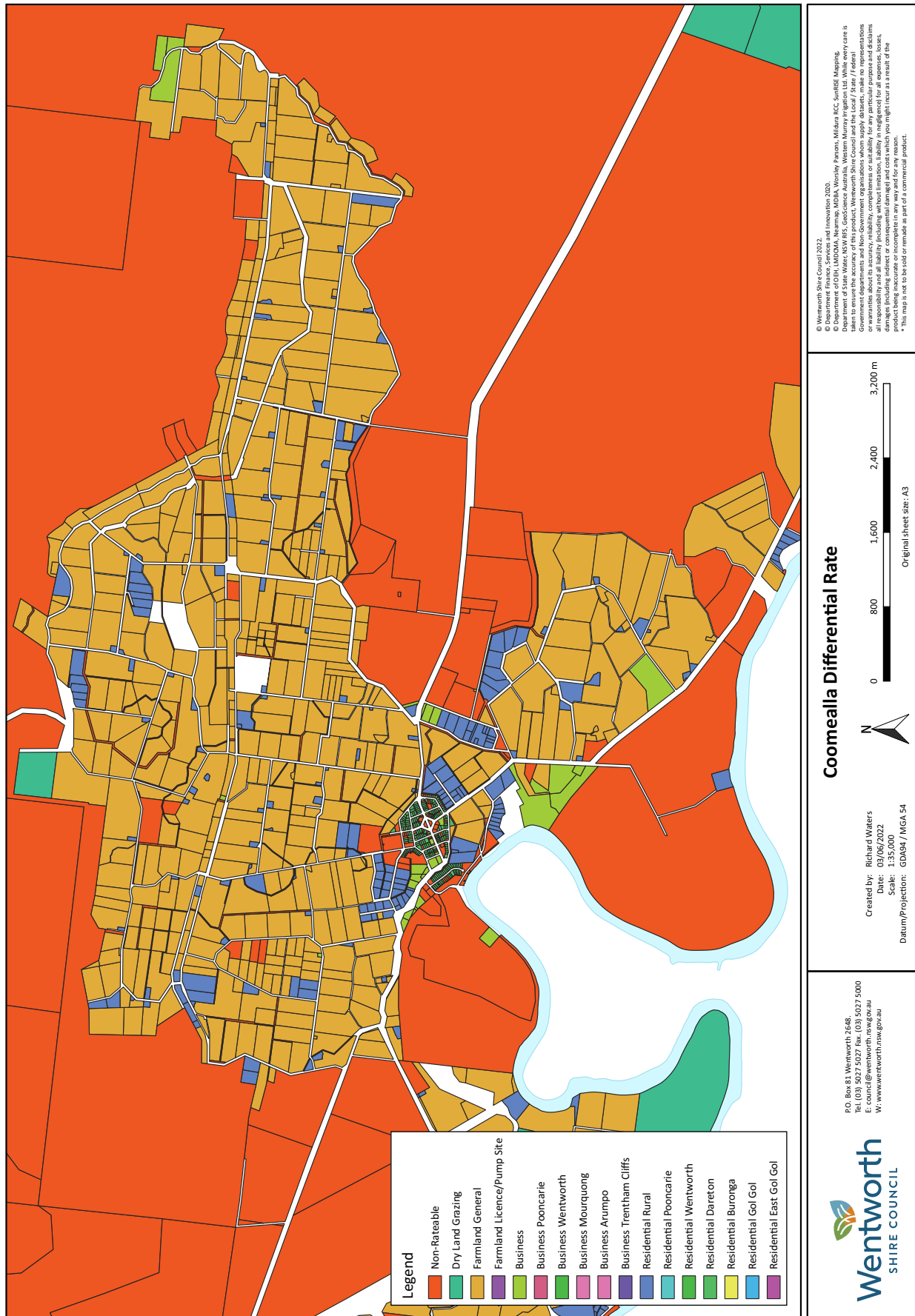
4. Rating Maps

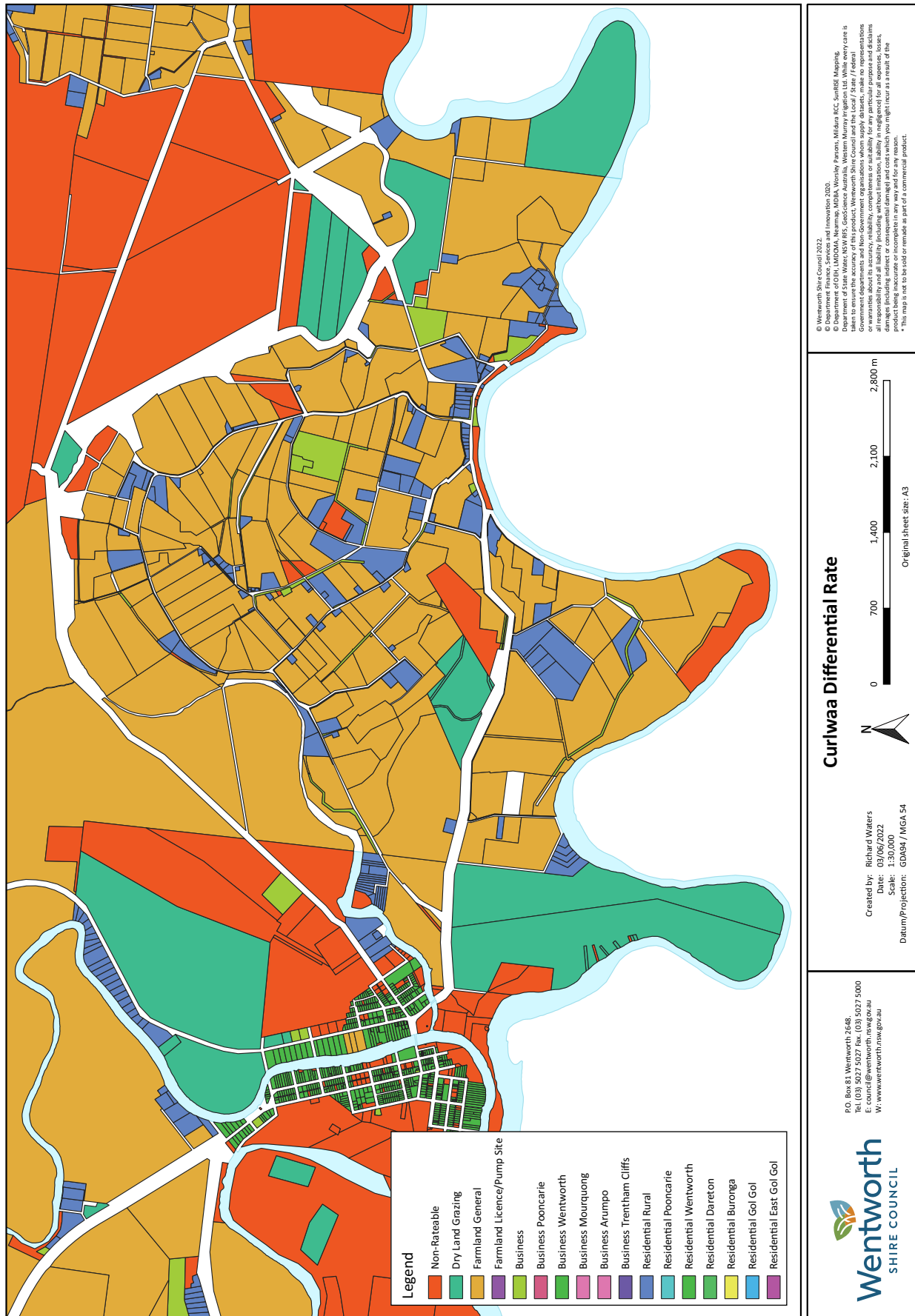
Shire Differential Rate	94
Buronga	95
Coomealla	96
Curlwaa	97
Dareton	98
Ellerslie	99
Gol Gol	100
Pomona	101
Pooncarie	102
Wentworth	103

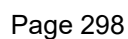




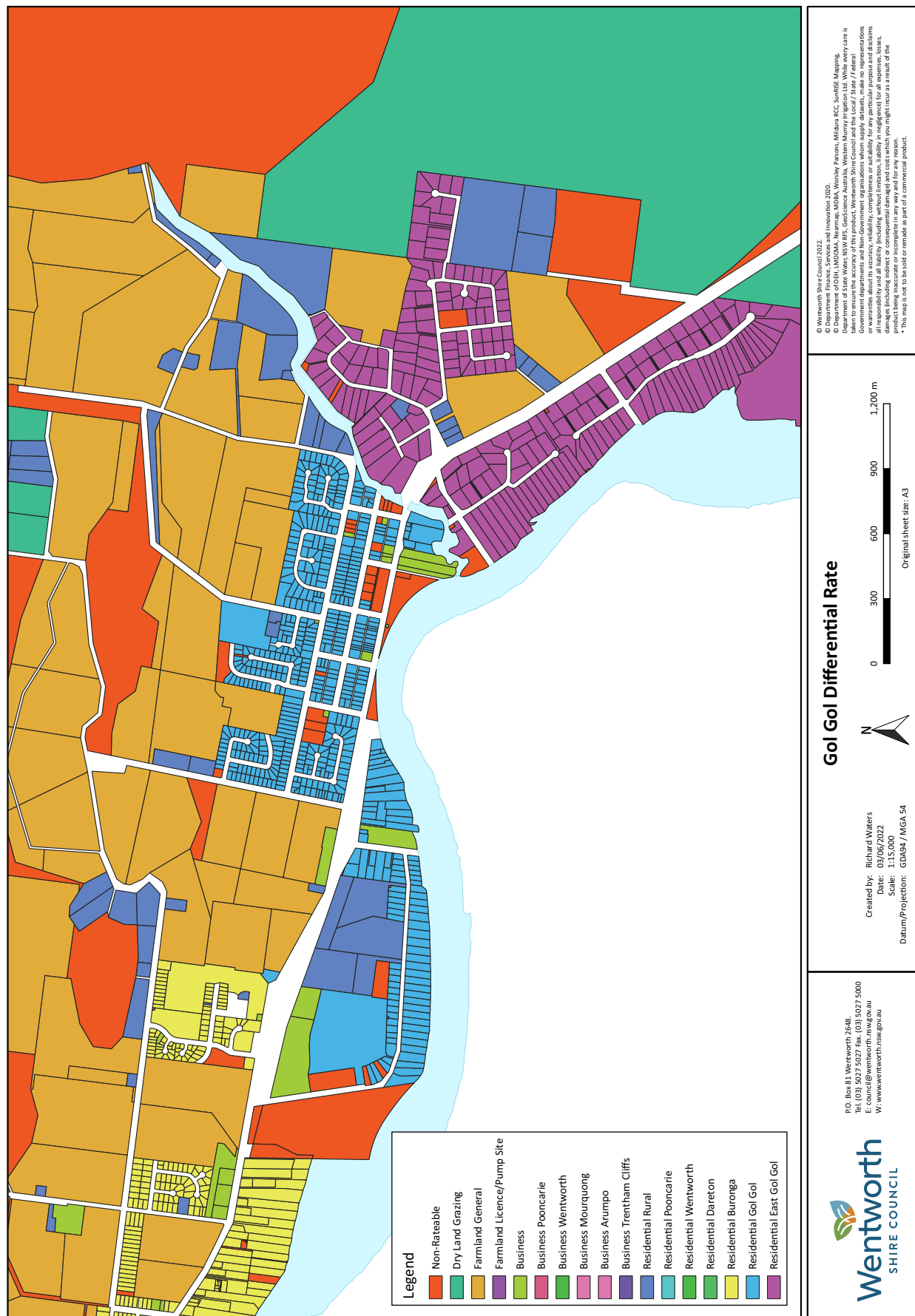
Wentworth Shire Council | Operational Plan 2026/2027: Part Four - Rating Maps

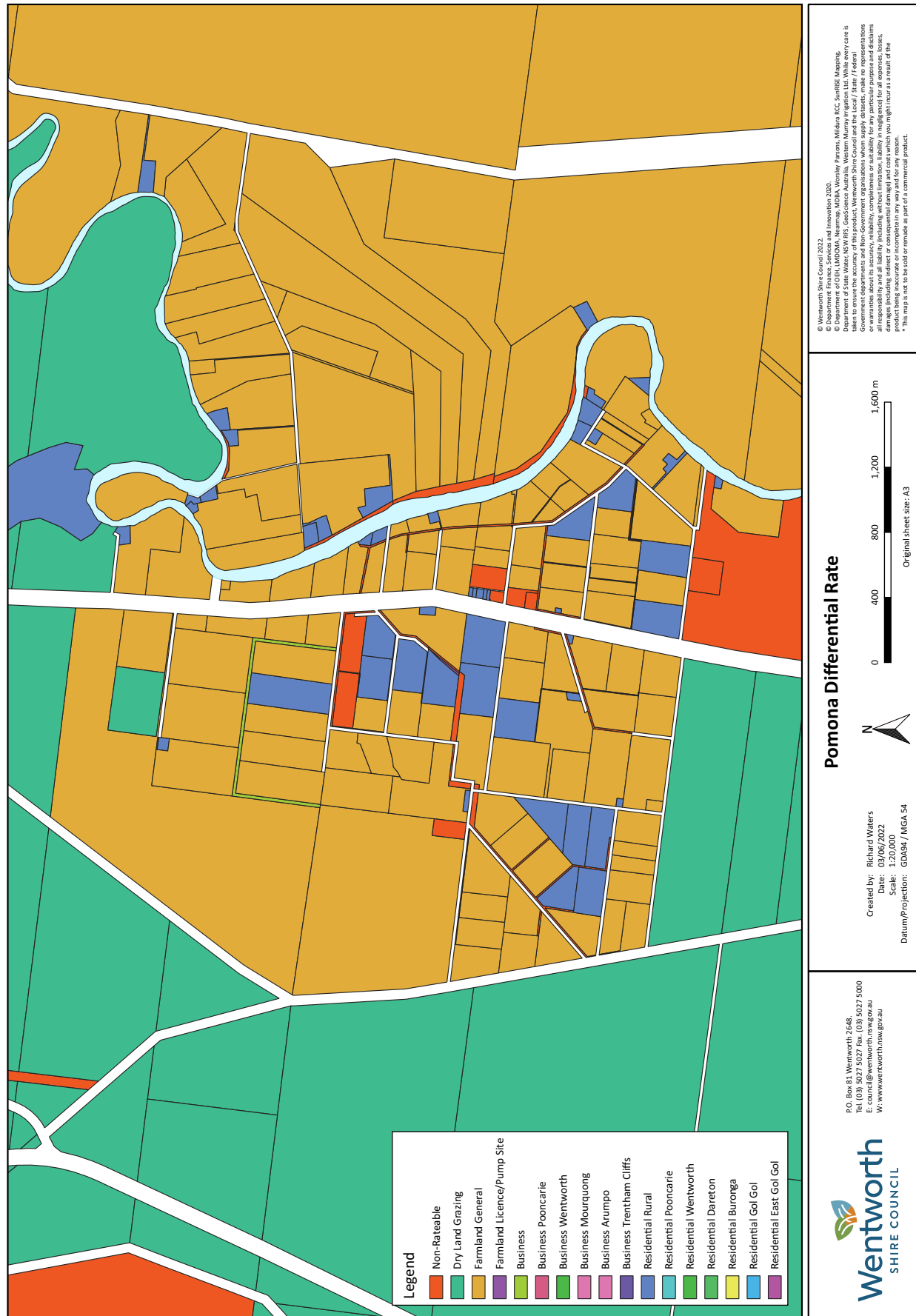


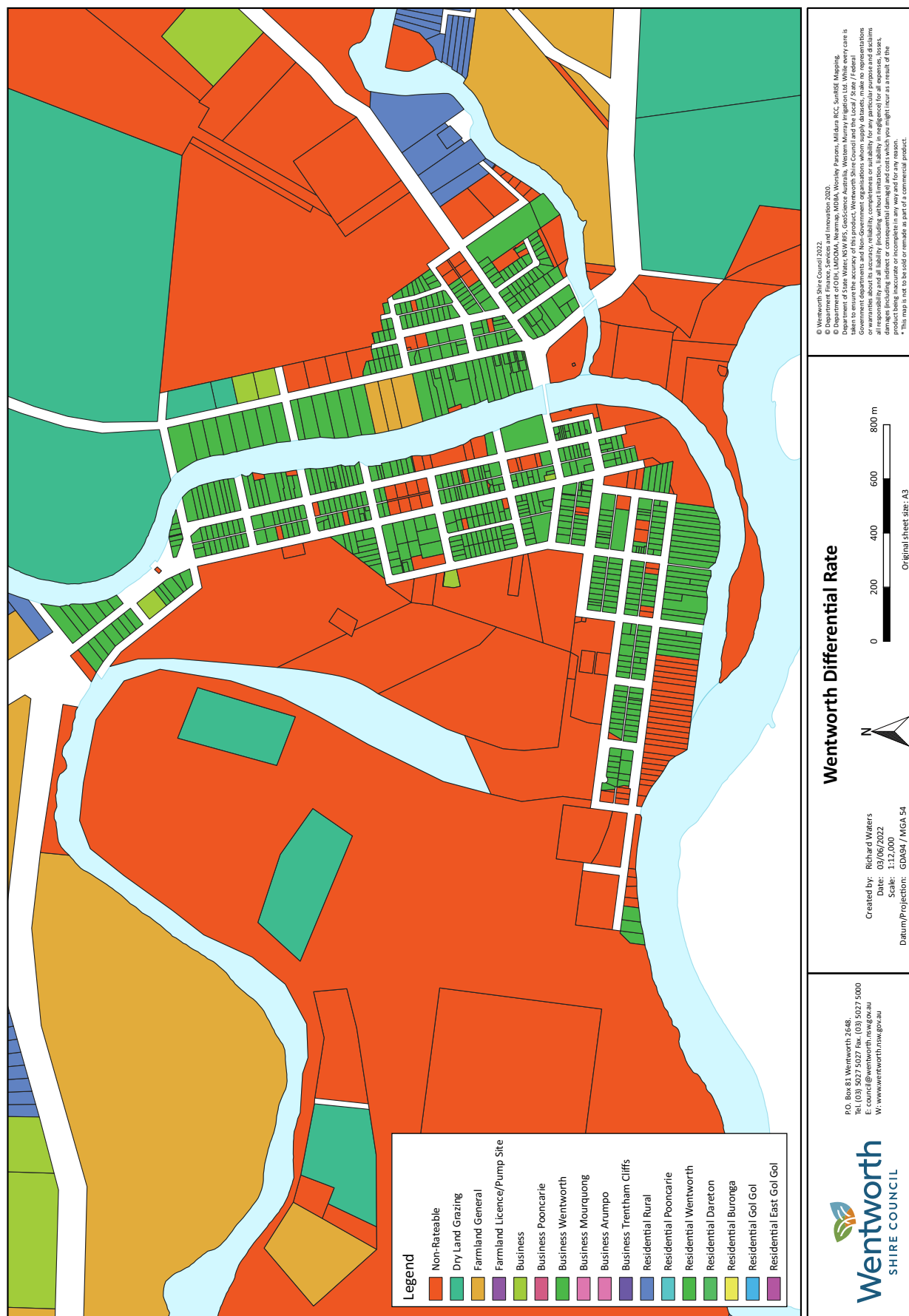














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9.6 DETERMINATION OF COUNCILLOR REMUNERATION FOR 2026/2027

File Number: RPT/26/259

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Simon Rule - Director Corporate Services

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

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

Summary

The Local Government Remuneration Tribunal has determined a 3.70% increase to the Mayoral and Councillor fees for the 2026/2027 financial year, with effect from 1 July 2026.

Sections 248 and 249 of the *Local Government Act 1993* require Councils to fix and pay an annual fee based on the Tribunal's determination for the 2026/2027 financial year. If a Council does not fix a fee, the Council must pay the minimum fee determined by the Tribunal.

The Remuneration Tribunal classifies the Wentworth Shire Council as a Rural Council. As such, the minimum fee for a Councillor is \$10,920 and the maximum allowable is \$14,450. In addition to the fee paid as a Councillor, the minimum fee payable to the Mayor is \$11,620 and the maximum fee is \$31,510.

In June 2025, Council resolved to increase the fees for 2025/2026 to the maximum amount. The fees for 2025/2026 are \$13,930 for Councillors plus an additional \$30,390 for the Mayor.

Recommendation

That Council sets the maximum level of fees to be paid to the Councillors (\$14,450) and Mayor (\$31,510) in accordance with the schedule of fees determined by the Local Government Remuneration Tribunals.

Detailed Report

Purpose

The purpose of this report is to advise Council of its obligation under the *Local Government Act 1993* (NSW) to determine and fix the annual fee payable to the Councillors and Mayor for the 2026/2027 financial year.

Background

The Local Government Remuneration Tribunal has determined there will be a 3.70% increase to Councillor and Mayoral fees for the 2026/2027 financial year. The levels of fees depend on which category the Council is in, with Wentworth being classified as a Rural Council (Populations less than 10,000).

Matters under consideration**General Purpose Councils - Non-Metropolitan****Councillor/Member Annual Fee (\$) effective 1 July 2026**

Category	Minimum	Maximum
Major Regional City	21,900	38,050
Major Strategic Area	21,900	38,050
Regional Strategic Area	21,900	36,110
Regional Centre	16,420	28,890
Regional Rural	10,920	24,080
Rural Large	10,920	19,590
Rural	10,920	14,450

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2026

Category	Minimum	Maximum
Major Regional City	46,500	118,530
Major Strategic Area	46,500	118,530
Regional Strategic Area	46,500	105,220
Regional Centre	34,160	71,350
Regional Rural	23,250	52,560
Rural Large	17,440	42,030
Rural	11,620	31,510

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2))

In accordance with the schedule of fees shown above, the fee payable for each Councillor would range from \$10,920 to \$14,450. The fee payable to the Mayor would be an additional amount of between \$11,620 and \$31,510. If Council does not fix a fee, then Council must pay the minimum fee determined by the Tribunal.

Options

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

- Set the maximum fee allowable for Councillors and the Mayor; or
- Set an alternative fee for Councillors and the Mayor within the minimum and maximum range allowable.

Legal, strategic, financial or policy implications

If Council does not fix a fee, then Council must pay the minimum fee determined by the Tribunal.

Conclusion

In accordance with the *Local Government Act 1993* (NSW), Council is to set the annual fee to be paid to each of the Councillors and the Mayor. The schedule of fees shows the minimum and maximum amounts payable, with Wentworth being designated as a Rural Council.

Attachments

Nil

9.7 DISCLOSURE OF INTEREST RETURN

File Number: RPT/26/276

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Deborah Zorzi - Governance Officer

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

Council's Code of Conduct Policy requires Councillors and Designated Persons to disclose their personal interests by completing a publicly available disclosure of interests return.

A Councillor or Designated Person must make and lodge with the General Manager a Disclosure of Interest Form within 3 months after:

- Becoming a Councillor or Designated Person; and
- After 30 June of each year; and
- The Councillor or Designated Person becoming aware of an interest they are required to disclose under schedule 1 of the Policy that has not been previously disclosed in a return lodged under paragraphs a) or b).

These returns are required to be lodged with the General Manager and tabled at the next meeting of Council after the return is lodged.

Recommendation

That Council notes the tabling of a Disclosure of Interest Return by Councillor Jo Rodda.

Detailed Report

Purpose

The purpose of this report is to table the Disclosure of Interest Return made and lodged by Councillor Jo Rodda as required under the Code of Conduct Policy.

Background

Council's Code of Conduct Policy requires Councillors and Designated Persons to complete and lodge returns of interest within 3 months after:

- becoming a Councillor or Designated Person;
- 30 June of each year; and
- the Councillor or Designated Person becoming aware of an interest they are required to disclose under schedule 1 of the Policy that has not been previously disclosed in a return lodged under paragraphs a) or b)

The *Government Information (Public Access) Act 2009* (GIPA Act) and the *Government Information (Public Access) Regulations 2018* (GIPA Regulations) require that Council publish Disclosure of Interest Returns on its website as *open access information*.

Report Detail

An updated Disclosure of Interest Return has been received from Councillor Jo Rodda and is now tabled for noting by Council.

Following tabling of the Disclosure Return, Council will update its website with the Return.

Conclusion

By tabling this report Council has met its compliance obligations as required by the Code of Conduct Policy. Tabling the report facilitates publishing the Return and, in so doing, compliance with the GIPA Act and GIPA Regulation.

Attachments

1. Disclosure of Interest Return Form Councillor Jo Rodda [↓](#)

DISCLOSURE OF INTEREST FORM

REQUIRED TO BE LODGED UNDER CLAUSE 4.21 OF THE
MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN
NSW



Disclosure of pecuniary interests and other matters by

Jo Rodda

[full name of councillor or designated person]

as at 19/12/2025 in respect of the period from 1/07/2025 to 19/12/2025

[return date]

Signed:

[Redacted signature]

Date:

10/06/2026

[councillor's or designated person's signature]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
10 Rosedale Court, Buronga NSW 2739	Own Home
93 Ilex Street, Red Cliffs Vic 3496	Investment property

B. Sources of income

1. Sources of income I:

- reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June
- Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
Event Coordinator	Self Employed	Event Management, Administration & Safety Services (EMASS)

2. Sources of income I:

- reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
- Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
Nil	

3. Sources of other income I

- reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
- Sources of other income I received at any time since 30 June

Source	Amount
Nil	

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
Nil	

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
N/A		

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
N/A			

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

NO

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
Mildura Field Days	Contract Coordinator
Mildura Show Society	Contract Coordinator
Chailis Inc	Treasurer
Mildura Entertainment	Sub-contractor

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

N/A

I. Dispositions of property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

Nil

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

Nil

J. Discretionary disclosures

Nil

9.8 REAPPOINTMENT OF AUDIT, RISK AND IMPROVEMENT COMMITTEE MEMBER

File Number: RPT/26/266

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Simon Rule - Director Corporate Services

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

This report recommends the reappointment of Di Schmidt to the Audit, Risk and Improvement Committee for a further term of four (4) years, concluding at the end of her allowable tenure under the guideline for risk management and internal audit for NSW local government.

A performance review conducted by the Director Corporate Services and the Chair of the Committee confirms that Di continues to make a strong contribution to the Committee's objectives.

Recommendation

That Council reappoints Di Schmidt as an Independent Member to the Audit, Risk and Improvement Committee for a further term of four (4) years, noting that this term will take her to the end of her allowable period of membership.

Detailed Report

Purpose

The purpose of this report is to seek Council's endorsement to reappoint Di Schmidt as an Independent Member to the Audit, Risk & Improvement Committee.

Background

The Audit, Risk and Improvement Committee is a statutory committee established under Section 428A of the *Local Government Act 1993 (NSW)*, providing independent assurance, oversight and advice to Council in the areas of governance, risk management, financial management, fraud control, service reviews, performance measurement and internal audit.

Independent Members are appointed for fixed terms, and reappointment requires Council approval. A performance review of the current Independent Member Di Schmidt has been completed to inform Council's decision of extending her tenure.

Matters under consideration

A comprehensive review of Di's performance was undertaken by the Director Corporate Services and the Chair of the Committee against the following criteria:

- 1) Attendance & Participation.

Focus: Reliability and engagement in meetings

Commentary: Attendance and participation throughout the review period have been consistently strong, demonstrating a clear commitment to Committee responsibilities. Preparation is a notable strength, with meeting papers and reports thoroughly reviewed in advance, enabling issues to be considered thoughtfully and in context.

2) Understanding of the Role and Legislative Context

Focus: Knowledge of statutory responsibilities and governance framework.

Commentary: A sound understanding of the Committee's statutory functions is demonstrated and applied effectively during meetings, with a clear focus on assurance, oversight and advisory responsibilities.

3) Governance, Risk and Compliance Oversight

Focus: Ability to provide assurance on governance and risk frameworks.

Commentary: Risk, governance and compliance oversight is undertaken in a constructive and systematic manner, with targeted questions raised regarding key risks, control effectiveness and mitigation strategies. Active monitoring of internal and external audit recommendations ensures that progress remains visible, reinforcing timely implementation.

4) Independence and Ethical Standards

Focus: Integrity and impartiality in decision-making.

Commentary: Independence from Council management and operations is constantly maintained, with conflict of interest obligations managed appropriately with any actual or perceived conflicts declared transparently and in accordance with governance requirements.

5) Collaboration and Communication

Focus: Ability to work constructively with others and communicate effectively.

Commentary: Engagement with Committee members, Council management and both internal and external auditors is consistently constructive and professional, supporting respectful dialogue, effective working relationships and timely outcomes. Discussions are approached with openness and a willingness to consider diverse perspectives, ensuring alternative viewpoints are respected and contributing to balanced and well-informed decision-making.

6) Contribution to Continuous Improvement

Focus: Support for innovation and process enhancement

Commentary: strong support for initiatives that enhance Council's governance maturity, with contributions reinforcing the importance of robust systems, frameworks and assurance processes across the organisation, reflecting an understanding of contemporary standards and contributing to Council's ongoing improvement journey.

The Chair of the Committee has provided positive feedback regarding Di's performance, noting that she is a valued contributor and an effective Committee member. Her strong expertise in audit matters is complemented by a thorough and analytical approach to reviewing agendas and reports, consistently applying a forensic lens to the Committee deliberations. The Chair has expressed full support for Di's ongoing participation and is pleased to endorse her reappointment to the Committee.

The performance review concluded that Di consistently demonstrates a high level of effectiveness and professionalism in fulfilling the responsibilities of an Independent Committee Member, making a meaningful and sustained contribution to the Committee's overall performance and governance outcomes.

This is reflected in her reliable attendance, punctuality and strong preparation for each meeting, which ensures she is well-informed and able to engage constructively in all matters before the Committee. Di's participation is consistently active and insightful, with contributions that are considered relevant and focused on strengthening governance, risk management and audit processes.

Di brings a sound understanding of her statutory responsibilities under the *Local Government Act 1993* (NSW) and applies the Committee Charter appropriately in all aspects of decision-

making, demonstrating objective judgement and a clear appreciation of the Committee's advisory and assurance role. She maintains appropriate independence from Council management and operations, ensuring that her contributions remain impartial and aligned with good governance principles. In addition, she upholds high standards of ethics, integrity and confidentiality, reinforcing trust in the Committee's processes and deliberations.

Di also demonstrates strong interpersonal and collaborative skills, working constructively with fellow Committee members, Council management, and both internal and external auditors to support effective communication, balanced discussions and timely outcomes. Her ability to provide informed insights and ask targeted questions enhances the depth and quality of Committee deliberations. Furthermore, she actively supports continuous improvement initiatives and promotes the adoption of better practice, contributing to the ongoing strengthening of Council's governance, risk and assurance frameworks.

The performance review identified strong expertise in financial management, audit and internal controls, supported by sound understanding of the legislative obligations, policy and procedure governance, and practical process improvement. This capability enables Di to make meaningful contributions to the Committee's deliberations and significantly strengthens the Committee's ability to provide effective assurance and oversight to Council.

An identified area for ongoing development is to continue building operational context through Council briefings and presentations, particularly across service delivery and operational areas. This will further strengthen Di's understanding of operational risks and support more informed and effective risk oversight in line with the Committee's role.

Legal, strategic, financial or policy implications

Independent Members are appointed for fixed terms, and reappointment requires Council approval.

Conclusion

The performance review confirms that Di Schmidt continues to provide a high standard of contribution to the Committee. Her skills, experience and professional approach support strong governance, risk management and audit outcomes for Council.

Reappointment will ensure continuity, stability and retention of institutional knowledge within the Committee, supporting Council's ongoing governance and assurance responsibilities.

Attachments

1. ARIC Member Performance Review - Di Schmidt (Under Seperate Cover) [📄](#)

9.9 REAPPOINTMENT OF AUDIT, RISK AND IMPROVEMENT COMMITTEE CHAIRPERSON

File Number: RPT/26/277

Responsible Officer: Simon Rule - Director Corporate Services

Responsible Division: Corporate Services

Reporting Officer: Simon Rule - Director Corporate Services

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

Strategy: 4.3 Provide a governance framework that is transparent and builds trust in local leadership

Summary

This report recommends the reappointment of Rosanne Kava as the Independent Chair of Council's Audit, Risk and Improvement Committee for a further term of four (4) years, concluding at the end of her allowable tenure under the guideline for risk management and internal audit for NSW local government.

A performance review conducted by the Director Corporate Services and Cr Starick confirms that Rosanne continues to make a strong contribution to the Committee's objectives.

Recommendation

That Council reappoints Rosanne Kava as the Independent Chairperson to the Audit, Risk and Improvement Committee for a further term of four (4) years, noting that this term will take her to the end of her allowable period of membership.

Detailed Report

Purpose

The purpose of this report is to seek Council's endorsement to reappoint Rosanne Kava as the Independent Chairperson to the Audit, Risk & Improvement Committee.

Background

The Audit, Risk and Improvement Committee is a statutory committee established under Section 428A of the *Local Government Act 1993 (NSW)*, providing independent assurance, oversight and advice to Council in the areas of governance, risk management, financial management, fraud control, service reviews, performance measurement and internal audit.

Independent Chairperson's are appointed for fixed terms, and reappointment requires Council approval. A performance review of the current Chairperson Rosanne Kava has been completed to inform Council's decision of extending her tenure.

Matters under consideration

A comprehensive review of Rosanne's performance was undertaken by the Director Corporate Services and Cr Starick as the non-voting Council representative on the Committee against key capability areas aligned with the Office of Local Government (OLG) Guidelines and *Local Government Act 1993 (NSW)*:

- 1) Leadership of the Committee.

Focus: To assess the Chair's ability to provide independent leadership, set clear behavioral expectations, and foster effective Committee participation.

Commentary: Rosanne consistently demonstrates strong, independent leadership, supported by extensive senior executive experience. She leads with authority, impartiality, and sound judgement, aligning closely with OLG expectations. A professional and constructive tone is clearly established, supporting robust yet respectful challenge. Rosanne actively promotes inclusive participation, ensuring all members contribute meaningfully to discussions.

2) Effectiveness of Meetings and Agenda Management

Focus: To assess the Chair's ability to manage meetings efficiently, prioritise key issues and deliver clear outcomes.

Commentary: Meetings are well structured, aligned with the Committee Charter, and effectively managed. Agendas appropriately prioritise governance, risk and improvement matter, including proactive inclusion of emerging risks. Rosanne ensures discussions are focused and productive, resulting in clear decisions, actions and accountability.

3) Independence and Statutory Compliance

Focus: To assess the Chair's ability to maintain independence, uphold governance boundaries, and operate within statutory requirements.

Commentary: Rosanne demonstrates a strong understanding of governance boundaries and consistently maintains independence from management. Operational matters are appropriately redirected, ensuring the Committee remains focused on oversight. Statutory responsibilities are well understood and applied, with clear alignment to legislative requirements

4) Oversight of Governance, Risk and Internal Control

Focus: To assess the effectiveness of the Chair in overseeing risk management, internal controls and governance maturity.

Commentary: Rosanne provides strong oversight of the risk framework, ensuring key risks are regularly reviewed and challenged. Internal controls are scrutinised through audit processes and Committee engagement. A strong commitment to governance improvement is evident, balanced with a practical understanding of organisational capacity and operational constraints.

5) Oversight of Internal and External Audit

Focus: To assess the Chair's effectiveness in supporting audit functions and ensuring accountability for audit outcomes.

Commentary: Rosanne actively supports a risk-based and relevant internal audit program and maintains effective relationship with External Auditors. Audit findings are thoroughly considered, and there is strong emphasis on tracking and implementing recommendations.

6) Relationship with Council and Executive Management.

Focus: To assess the Chair's ability to maintain effective relationship while preserving independence.

Commentary: Rosanne maintains positive and professional relationships with the General Manager and Executive while preserving independence. Supports clear and balanced communication to Council, ensuring advice is evidence-based and well-articulated.

7) Communication and Escalation of Issues

Focus: To assess clarity of communication and appropriateness of escalation to Council.

Commentary: Rosanne clearly articulates risks and assurances and demonstrates sound judgement in escalating matters to Council. Emerging risks are proactively identified and appropriately communicated.

8) Committee Culture, Conduct and Effectiveness

Focus: To assess the Chair's role in fostering a high-performing and respectful Committee environment.

Commentary: Rosanne has established a respectful, inclusive and professional culture. She encourages robust discussion and critical thinking while maintaining positive relationships. Differing views are managed constructively, enabling consensus-based outcomes.

9) Knowledge of Local Government and Continuous Development

Focus: To assess governance knowledge and commitment to professional development

Commentary: Rosanne demonstrates strong knowledge of the NSW local government framework and maintains awareness of relevant legislation and guidance. She applies this knowledge effectively in guiding Committee activities. There is a clear commitment to ongoing professional development.

Rosanne is assessed as a high-performing and highly effective leader, demonstrating consistent capability across all areas of the role. A clear and sustained strength is evident in Rosanne's leadership, which is characterised by effective direction-setting, strong facilitation, and the creation of a highly inclusive Committee environment. Her approach enables balanced participation, constructive dialogue, and well-informed decision-making, ensuring the Committee operates cohesively and productively.

Meeting management is a further area of notable strength. Rosanne demonstrates a high level of discipline and structure in conducting meetings, supported by a clear focus on strategic priorities. Agendas are well aligned to governance, risk management, and improvement matters, and discussions are consistently guided toward meaningful outcomes. This reflects a highly effective and mature approach to Committee facilitation.

Rosanne also demonstrates strong performance in maintaining independence and upholding governance discipline. There is clear and consistent application of appropriate boundaries between oversight and operational responsibilities, supported by a sound understanding of statutory obligations. This reinforces the integrity and credibility of the Committee's role.

Oversight of governance and risk is undertaken with both rigour and practicality. Rosanne brings a balanced and thoughtful approach, ensuring that key risks are appropriately challenged while recognising organisational context and capacity. This contributes to effective and sustainable governance outcomes.

A key strength identified in the review is Rosanne's engagement with both internal and external audit functions. These relationships are underpinned by a clear understanding of governance roles and responsibilities, enabling effective communication while preserving the independence of the Committee. This balance is critical and is managed well.

The Committee Culture under Rosanne's leadership is high-performing, respectful and inclusive. Rosanne actively promotes constructive discussions while maintaining positive working relationships. Differing perspectives are managed effectively, and the Committee benefits from a collaborative and professional operating environment.

Importantly Rosanne brings a comprehensive understanding of local government, informed by experience from both internal executive leadership and external governance perspectives. This includes a well-developed appreciation of the roles of Officers, Councillors and audit functions. This depth of insight materially strengthens the effectiveness and relevance of Committee oversight.

It is also noteworthy that both independent Committee members have expressed a willingness to continue their service through re-appointment. This is considered a positive

reflection of the collegiate professional, and well-functioning nature of the Committee under the Rosanne's leadership.

While not determinative in itself, this level of continuity and commitment from independent members provides a practical indicator of confidence in the Committee's operations, including the effectiveness of meeting facilitation, governance practices and overall working relationships. It is reasonable to infer that, in presence of significant concerns regarding the operation of the Committee, or its leadership, such willingness to continue may not have been evident.

Legal, strategic, financial or policy implications

Independent Chairs are appointed for fixed terms, and reappointment requires Council approval.

Conclusion

The performance review confirms that Rosanne has established a well functioning, disciplined and collegiate Committee environment, characterised by professional conduct, constructive dialogue and balanced participation. This is supported not only by the assessment findings but also by the willingness of the independent members to continue their service, reflecting confidence in the effectiveness of the Committee's operation and leadership.

The review concludes that Rosanne is well-positioned to continue delivering strong, independent and value-adding oversight to the Audit Risk and Improvement Committee. Reappointed will maintain continuity, stability and ongoing effectiveness in the Committee governance role.

Attachments

Nil

9.10 COMPULSORY ACQUISITION OF LAND AT DARETON NSW

File Number: RPT/26/270

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

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

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

Summary

A Council resolution is required to commence compulsory acquisition, from the NSW Department of Planning, Housing and Infrastructure - Crown Lands and private landholders, of:

- Lot 519 Deposited Plan 1216747, and
- part Lot 503 Deposited Plan 756961, and
- unidentified Crown land separating Lots 22 & 23 Deposited Plan 756961 from Lots 551 & 719 Deposited Plan 756961 and Lot 1057 Deposited Plan 40315 (the unidentified Crown land)

for public road, access, drainage infrastructure and recreation resulting in the delivery of residential land supply at Devenport Street, Dareton.

Recommendation

That Council:

- 1) Proceeds with the compulsory acquisition of part of Lot 519 Deposited Plan 1216747, shown shaded pink in **Attachment AT-1**, for a future public road in accordance with section 177 of the *Roads Act 1993* and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 2) Makes an application to the Minister and Governor for approval to acquire part of Lot 519 Deposited Plan 1216747, shown shaded pink in **AT-1**, in accordance with section 178(2) of the *Roads Act 1993* and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- 3) Proceed with the compulsory acquisition of:
 - part Lot 519 Deposited Plan 1216747, and
 - part Lot 503 Deposited Plan 756961, and
 - unidentified Crown land,

shown shaded yellow, orange, blue and green in **AT-1**, for the purposes of access, recreation and drainage infrastructure in accordance with sections 186 and 187 of the

Local Government Act 1993 and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

4) Makes an application to the Minister and the Governor for approval to acquire:

- part Lot 519 Deposited Plan 1216747, and
- part Lot 503 Deposited Plan 756961, and
- unidentified Crown land,

shown shaded yellow, orange, blue and green in **AT-1**, in accordance with sections 186 and 187 of the *Local Government Act 1993* and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

5) Makes the said applications in **(2)** and **(4)** with the opinion that native title has been extinguished by way of public work.

6) In the event that the Office of Local Government does not accept Council's opinion in **(5)** makes the said application in **(4)** stating that the purpose of the acquisition of all rights and interests including native title rights and interests, is to confer rights and interests, being:

- the right to develop and maintain drainage and water supply facilities, and
- the right to provide legal access
- the right to develop recreation areas

in relation to the land to be acquired, on Wentworth Shire Council in accordance with section 26(1)(c)(iii)(A) of the *Native Title Act 1993*.

7) Does not acquire the mineral rights over the land to be acquired.

8) Confirms the acquisition of the land is not for the purpose of resale.

9) Classifies the part of Lot 519 Deposited Plan 1216747, shown shaded blue in **AT-1**, as community land in accordance with section 31(2) of the *Local Government Act 1993*.

10) Classifies the part of Lot 519 Deposited Plan 1216747, the part of Lot 503 Deposited Plan 756961 and the unidentified Crown land, shown shaded yellow, orange and green in **AT-1**, as operational land in accordance with section 31(2) of the *Local Government Act 1993*.

11) Delegate to the General Manager or his delegate, the power to do anything further as necessary to give effect to the compulsory acquisition including obtaining any necessary approvals and publishing any necessary notices in the Gazette.

12) Agrees to the land being acquired for compensation, at the market value of the land, to an amount determined by the Valuer General.

13) Approves the granting of the following easements to Western Murray Irrigation Limited, on the basis that they are forgiven without compensation once they are no longer required:

- Easement for Water Supply 10.06 wide over that part of Lot 519 Deposited Plan 1216747, shown with dashed blue line on **AT-1**.

- Easement for Drainage 10.06 wide over that part of the unidentified Crown land, shown with dashed red line on **AT-1**.

14) Approves the granting of easements for access to:

- the owners of Lot 2 Deposited Plan 1278190, over the land adjoining that parcel, shown shaded yellow and the land shaded orange in **AT-1**.
- the owners of Lot 22 Deposited Plan 756962, over the land adjoining that parcel, shown shaded yellow in **AT-1**.
- the owners of Lot 23 Deposited Plan 756962, over the land adjoining that parcel, shown shaded yellow and green in **AT-1**.

15) Grants authority to the General Manager to affix the Common Seal of the Council to any documentation required to give effect to this resolution.

Detailed Report

Purpose

The purpose of this report is to commence the land acquisition of Crown land being Lot 519 Deposited Plan (DP) 1216747, unidentified Crown land separating Lots 22 & 23 DP 756961 from Lots 551 & 719 DP 756961 and Lot 1057 DP 40315 and freehold land being part Lot 503 DP 756961, at Dareton, as shown in the attached plan – **AT-1**.

Background

In the early 2020's Council recognised a decline in growth at Dareton in comparison with other river towns in the Wentworth and Mildura areas. This recognition resulted in Council preparing the *Our Town Our Future Dareton Revitalised* (OTOFDR) which aimed to *establish a revitalisation vision to rejuvenate Dareton and to guide the future development of Dareton's urban area*.

The *Our Town Our Future Dareton Revitalised* (OTOFDR) noted:

- The need for increased housing diversity to make housing more affordable.
- At the time of preparing the *Our Town Our Future Dareton Revitalised* (OTOFDR) there were only two residential lots available for sale in Dareton based on data obtained from Domain.
- This situation makes it imperative to introduce measures and incentives to attract and stimulate housing and residential subdivision development in the township.
- Dareton has a total of 25 hectares of undeveloped RU5 Village zoned land comprising six hectares of brownfield and 19 hectares of green field.
- The land fronting Devenport Street would be ideal for the development of a retirement village or gated community.

Two of the actions proposed in the *Our Town Our Future Dareton Revitalised* (OTOFDR) was for Council to:

- Develop a policy to attract development.
- Consult with landholders of feasibility of the development of a Retirement Village in area identified in the Strategy.

Council's position in this regard has been endorsed by general calls for more housing across the State and the Country.

Subsequently the *Wentworth Local Strategic Planning Statement – A Vision to 2040 and Beyond* (WLSPS) recognised:

- In Dareton, new urban development is to be located in the identified settlement boundary. This settlement area is bounded by Burtundy Street in the north-east, School Road in the north, Boronia Crescent in the east, the Murray River in the south and School Road in the West. It includes the future residential and rural residential lands on River Road.
- New urban development in the primary settlement areas is to provide a range of housing options, including affordable housing, housing for older people, family housing and temporary worker accommodation based on an analysis of local demographics and future demand.

Some of the land stock identified for residential development has been frustrated by historic supply reserves and drainage reserves, owned by the State of New South Wales, through the Department of Planning, Housing and Infrastructure – Crown lands (DPHI-CL) and managed by Western Murray Irrigation Limited (WMI).

The majority of the 19 hectares of green field RU5 Village zoned land (see Figure 4.3 of the OTOFDR) does not enjoy unfettered legal access to Devenport Street, with a 10.06 metre wide supply reserve along the northern, town facing boundary.

The land status of these reserves is complex and is set out in the Land Status Advice attached as **AT-2**. These supply and drainage reserves were set up for irrigation purposes, but with urbanisation, are gradually becoming superfluous. They have the effect of leaving parts of properties without legal access, when it comes to development. While landholders have sought to purchase these lands from the DPHI-CL this has not been possible. The sale of Crown land is more difficult than the sale of freehold land as it is subject to a complex regulatory framework. Council understands that the simplest and most viable option is for Council to use its powers of acquisition.

While some supply and drainage reserves are no longer required, others remain necessary while the land continues to be used for cropping. Council proposes to work with landowners, aiming to create residential land, and with WMI to provide necessary access while maintaining required drainage and supply infrastructure.

At the beginning of 2026, representatives of the Coomealla Memorial Sporting Club Limited, the owners of Lots 22 & 503 DP 756961, have requested Council assist with addressing the access issue.

Lot 519 DP 1216747 is part (unnotified) supply reserve and part (unnotified) plantation reserve held by the State of New South Wales.

The landholders without legal access to Devenport Street are:

- Crassy Pty Ltd (in ¼ share), Gatehouse Australia Pty Ltd (in ¼ share) and Vizotand Pty Ltd (in 2/4 share) as Tenants in Common – Lot 1 DP 871638
- Robert William Rigby and Alison Mary Rigby as Joint Tenants – Lot 1 DP 1278190
- Owen Stewart Blair – Lot 2 DP 1278190
- Coomealla Memorial Sporting Club Limited – Lots 22 & 503 DP 756961
- Devine Holdings Pty Ltd – Lots 23, 551 & 719 DP 756961

Council officers consider it is appropriate to address this issue now, in accordance with the objectives of the OTOFDR and the WLSPS.

Issues Arising

WMI have indicated a willingness for the supply reserve to be acquired, however it is their preference for it to be acquired in its entirety. Council currently maintain the unnotified plantation reserve and acquiring will provide more secure title, allowing Council to control access from the rear of properties fronting Riverview Drive.

Further, Council acquired part of the drainage reserve, west of the unidentified Crown land on 7 May 2021. WMI have requested the residual of this reserve is acquired. This acquisition is consistent with the access requirements outlined above, noting that WMI will need to maintain the drainage infrastructure, shown with dashed red line on **AT-1**, under easement.

Council has noted for some time, that parking in front of Lot 1 DP 1278190 has been problematic due to road width. Acquiring the land fronting this parcel and the adjoining parcels will allow for the road widening required to address the issue.

Proposal

Council proposes to:

1. Where the supply reserve (Lot 519 DP 1216747) adjoins Devenport Street and the landholders above, acquire the supply reserve to provide access to those parcels, under the *Roads Act 1993*.
2. Where the supply reserve adjoins the landholders above and other privately held parcels, acquire the supply reserve to allow future contiguous development between Lots 22 & 503 DP 756961 and between Lots 23, 504,¹ 551 & 719 DP 756961 for access under the *Local Government Act 1993*. Easements for access would subsequently be provided by Council to the developers, on an as need basis, to facilitate residential development.
3. Acquire the unidentified Crown land for drainage purposes under the *Local Government Act 1993*.
4. Acquire the residual of Lot 519 DP 1216747 lands proposed for opens space requirements under the *Local Government Act 1993*.
5. Acquire part of Lot 503 DP 756961 to square off the frontages of Lot 503 DP 756961 and Lot 2 DP 1278190 to Devenport Street to facilitate geometrically appropriate development within Lot 2 DP 1278190 and Lots 22 & 503 DP 756961.
6. Create easements of Water Supply and Drainage in favour of WMI, required for the continuance of cropping.

Matters under consideration

Noting that the private lands to be acquired would be offset against easements to be purchased from Council, the acquisition of these lands would be on the basis of an agreement of zero compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*.

¹ Lot 504 Deposited Plan 756961 is held by Peter Johnson Waters and Marion Margaret Waters as joint tenants.

Developers will be required to reimburse Council for the acquisition expenses (including any compensation) associated with the acquisition of Lot 519 DP 1216747 as it applies to their parcels.

Easements created will be removed gradually once they are no longer required by WMI.

The land is subject to a determination of the Federal Court of Australia known as Barkandji Traditional Owners #8 (Part A). Lot 519 DP 1216747 and the unidentified Crown land has been determined as being subject to non-exclusive native title. It is possible that Council will be required to pay compensation to the Barkandji Traditional Owners.

Native title over Lot 503 DP 756961, has been determined as extinguished.

Requirements for the Acquisition to be completed

The following actions need to be undertaken to complete this acquisition:

1. Written agreement will need to be obtained from the five private landholders to the acquisition and compensation proposal.
2. Agreement will need to be reached with WMI. Council has received agreement from WMI to work with Council to address the subdivision requirements.
3. A Council resolution to make an application to the Minister and Governor for approval for the compulsory acquisition of the required lands, the subject of this Report.
4. An application is made to DPHI-CL for their concurrence to receive a proposed acquisition notice (PAN) for Lot 519 DP 1216747 and the unidentified Crown land. It is considered possible that this concurrence may be dependent on any outstanding monies for previous acquisitions.
5. Upon receiving DPHI-CL concurrence, prepare and have registered with Land Registry Services (LRS) a Plan of Proposed Acquisition and Easement Creation.
6. Apply to the Office of Local Government for the Governor's approval to issue PANs.
7. Issue PANs and receive approval from the Governor for the Compulsory Acquisition.
8. Advise the Valuer General's Office of the PANs and the compensation agreements.
9. Place notices of Compulsory Acquisition in the NSW Government Gazette.
10. Lodge dealings with the LRS to create titles in Council's name.

Legal, strategic, financial or policy implications

This proposed acquisition follows the proposed Buronga Acquisition presented to Council at its Ordinary Meeting held on the 17 December 2025, with the issues being:

1. addressing private lands, land locked or otherwise encumbered by drainage and supply reserves established for irrigation purposes.
2. establishing ownership of the reserves.
3. establishing whether infrastructure laid and constructed by WMI and its predecessors can be utilised as an extinguishing act for the purposes of the *Native Title Act 1993* which satisfies the Schedule 5 of the Barkandji Traditional Owners #8 (Part A) determination.

The approach prepared by Council officers provides Council a greater influence on planning design for these residential lands, provides developers and financiers with more certainty on the ability to deliver, and removes a restriction on the development of the town.

Council can expect costs in terms of Council officers' time and compensation for lands not directly related to the development of land, however, acquisition compensation costs related to the provision of legal access, and consultancy costs will be met by developers.

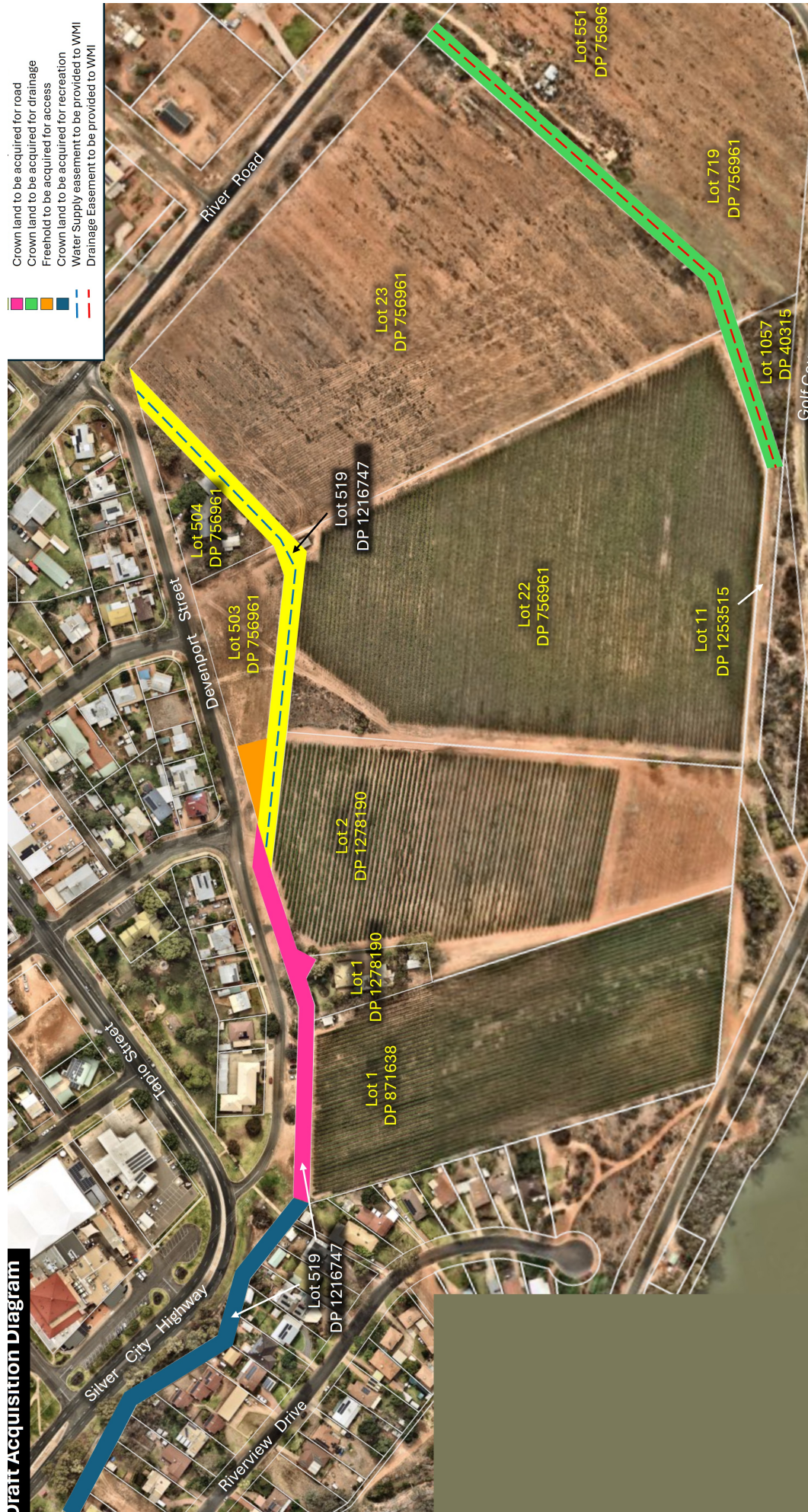
Council is required to follow the compulsory acquisition process under the terms of the *Land Acquisition (Just Term Compensation) Act 1991*, the *Roads Act 1993* and the *Local Government Act 1993*.

Conclusion

Having consideration to the content of this report it is concluded that the appropriate course of action is to approve the acquisition of the land.

Attachments

1. AT-1 - Plan of Acquisition - A77 [↓](#)
2. AT-2 - Land Status Advice - A77 [↓](#)



Land Status Advice – Dareton

This report considers the land status of land proposed to be acquired by Wentworth Shire Council at Dareton, as identified by email on 26 May 2026, being:

- Lot 519 DP 1216747,
- part Lot 503 DP 756961, and
- unidentified Crown land separating Lots 22 & 23 DP 756961 from Lots 551 & 719 DP 756961 and Lot 1057 DP 40315.

Summary

Lot 503 DP 756961 is held by Coomealla Memorial Sporting Club Limited and native title has been determined to be extinguished.

Lot 519 DP 1216747 is held by the State of New South Wales and is part unnotified supply reserve and part unnotified plantation reserve.

The unidentified Crown land is an unnotified drainage reserve.

The Federal Court of Australia has determined that non-exclusive native title exists in Lot 519 DP 1216747 and the unidentified Crown land. This is subject to proven evidence of a public work having been constructed prior to 23 December 1996, which if provided, would extinguish native title. This review has not investigated public works under Section 23B(7) of the *Native Title Act 1993*.

In my opinion Western Murray Irrigation Limited could reasonably be recorded in the first schedule of title to the part of Lot 519 DP 1216747 which is supply reserve and the unidentified Crown land, which vested in Lower Murray Irrigation Limited on 24 February 1995 pursuant to an order under Section 78 of the *Irrigation Corporations Act 1994*. Council may consider contacting Western Murray Irrigation Limited in this regard.¹

It should be noted that the advice of Ms Vanessa Field (solicitor) regarding the difficulty having LRS record a transfer, in relation to the proposed Buronga acquisition, will be likely pertinent in this case.

Basis of Advice

Ownership

1. Table 1 shows the ownership details of the subject land.

Table 1 - Subject Land Title Details

Lot / DPs	Title	2nd Schedule & unregistered dealings
519/1216747 (see Tag A)	The State of New South Wales (see Tag B).	• Limited Title

¹ A change to title to Western Murray Irrigation Limited would not, in itself alter the determination of non-exclusive native title in the land.

Lot / DPs	Title	2nd Schedule & unregistered dealings
503/756961 (see Tag C) ²	Coomealla Memorial Sporting Club Limited (see Tag D).	- Excludes Minerals - Excepts Roads and Resumed land³ - Conditions contained in Government Gazette – 18 December 1925 (see Tag E) and 19 March 1937 (see Tag F). - Subject to payment of rates and charges for water - Irrigation Farm Purchase No.2 (Coomealla Irrigation Area)
unidentified Crown land		

2. None of the 2nd Schedule notifications on the parcels held in freehold are likely to impact the proposed acquisition.

Land Held by the State of New South Wales and other Crown land

3. Lot 519 DP 1216747 (Lot 519) is held by the State of New South Wales in the first schedule (see **Tag B**). In the majority of cases this title would indicate Crown land for the purposes of the Crown Land Management Act 2016 (CLMA).
4. DP 1216747 (see **Tag A**) was registered on 13 January 2016. Prior to this Lot 519 was unidentified land.
5. The unidentified Crown land does not have title.
6. Lot 519 is shown on the historical parish map, Town of Dareton 1st Edition (see **Tag G**) as being an unnotified supply reserve 10.06 wide, an unnotified plantation reserve and an unnotified drainage reserve 10.06 wide.

These reserves are also shown on the individual portion plan for Portion 503 Parish of Mourquong County of Wentworth (see **Tag A**), the Plan for part Section 19 Town of Dareton (see **Tag H**) and the portion plan of Portions 22 & 23 Parish of Mourquong County of Wentworth (see **Tag I**).

7. The Supply Reserve within Lot 519 and the drainage reserve were part of land transferred to Lower Murray Irrigation Limited on 24 February 1995 pursuant to an order under Section 78 of the *Irrigation Corporations Act 1994* (see **Tag J**).

The order required that Crown land was to be transferred on which any works were located other than land shown as drainage areas on Plan Catalogued 44/657 in the Parramatta Office of the Department of Water Resources and those lands which are subject to leases or interests in land under Crown land legislation at the date of this order.

Section 78(5)(a) of the *Irrigation Corporations Act 1994* provided that

² The title diagram is Crown Plan 547-1820 (see **Tag C**).

³ This investigation has not found roads or resumed lands as having affected this parcel.

On commencement of the order, the following provisions have effect (subject to the order): The assets comprised in the business undertaking vest in the irrigation corporation by virtue of this section and without the need for any conveyance, transfer, assignment or assurance...

8. This investigation has not found any evidence of a lease or interest under Crown land legislation in Lot 519 or the unidentified Crown land, being in place on the date of the order being 23 February 1995. Neither of the historical parish maps, Town of Dareton 1st Edition (see **Tag G**) or Coomealla Irrigation Area 1st Edition (see **Tag K**) show any indication of a tenure having been issued. The Department of Planning, Housing and Infrastructure – Crown lands (DPHI-CL) advised on 2 April 2026, they had no records of any tenure having been issued over Lot 519 as at 23 February 1995 (see **Tag L**).
9. Plan 44/657 (see **Tag J** page 5) shows that Lot 519 and the unidentified Crown land were subject to works for branch channel and main river drain. Lot 519 and the unidentified Crown land were not within the areas marked *drainage area*.
10. On this basis it is reasonable to conclude that Lot 519 and the unidentified Crown land vested in Lower Murray Irrigation Limited on 24 February 1995. Lower Murray Irrigation Limited changed its name to Western Murray Irrigation Limited on 23 March 1995.

It should be noted that the advice of Ms Vanessa Field (solicitor) regarding the difficulty having LRS record a transfer, in relation to the proposed Buronga acquisition, will be likely pertinent in this case.

Native Title

11. A search of the National Native Title Tribunal registers on 31 May 2026 indicates that the whole area proposed to be acquired, including Lot 453, is within the external Boundaries of the Barkandji Traditional Owners #8 Determination (Part A) area.
12. Lot 503 DP 756961 is listed in Schedule Five of the determination, indicating that native title is extinguished.
13. The schedules of the consent determination do not provide a determination for Lot 519 or the unidentified Crown land. However, the National Native Title Tribunal's "*Native Title Determination NSD6084/1998 Barkandji Traditional Owners #8 (NCD2015/001) Maps 40.19, 40.24 & 40.31*" (see **Tag M**) show Lot 519 or the unidentified Crown land as being IDs: U18, U137 and U188

Each of these parcel IDs sits within Schedule 4 of the determination at page 51 (see **Tag N**). This is consistent with Native Title Vision⁴ which shows that the determined outcome for Lot 519 and the unidentified Crown land to be *Native title exists (non-exclusive)*.

14. Please note, however, that no investigation has been undertaken into the extinguishment of native title via a public work under Section 23B(7) of the *Native Title Act 1993*. Should evidence of public work be proven Lot 519 and the unidentified Crown land would fit within the criteria of Schedule 5.

⁴ Native Title Vision is the online spatial digital mapping record of the National Native Title Tribunal.



Prior to the Coomealla Irrigation Area

15. Prior to the establishment of the Coomealla Irrigation Area, the part of Lot 519 between Lots 22 & 503 DP 756961, was part of Wentworth Road, 300 links wide, shown on the Plan of Village Site approved 6 June 1924 (see **Tag O** for DP 762481).
16. This section of Wentworth Road was closed with the Alteration of Design of Part of the Town of Dareton on 4 August 1935 (see **Tag P** for notification and **Tag Q** for Crown Plan 548-1820).⁵
17. The area was part of Reserve R.3 from Lease in accordance with Section 8 and 9 of Chapter II of Her Majesty's Order in Council of 9 March 1847 (see **Tag R** for gazette notification and **Tag S** for an extract of the historical parish map, County of Wentworth 1910).

Aboriginal Land Rights

18. The Department of Planning, Housing and Infrastructure - Crown lands (DPHI-CL) advised on 23 February 2026 that there were no outstanding aboriginal land claims impacting Lot 519.

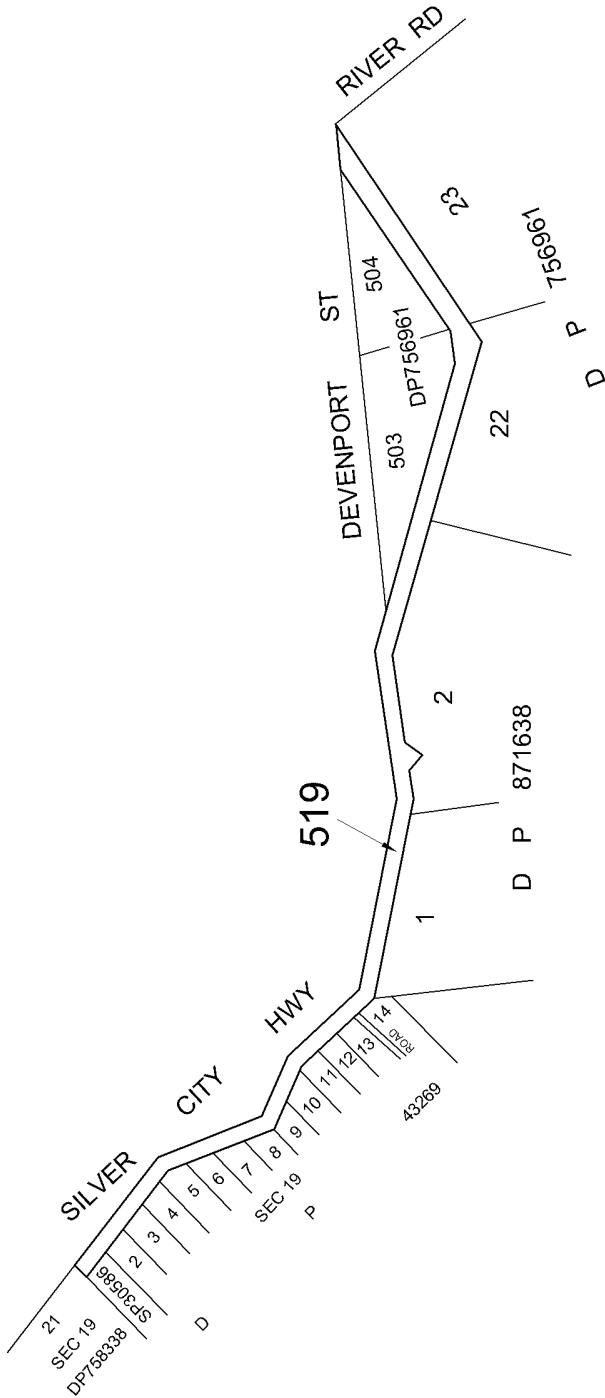
Craig Barnes
Director
Lands Advisory Services Pty Ltd

⁵ Crown Plan 548-1820 (see **Tag Q**) is the plan referred to as W.C & I.C. 33-13,743 in the gazette notice.



DP 1216747 Tag A	
Registered: 13-01-2016	
Title System: CROWN LAND	
Purpose: CROWN LAND CONVERSION	
Ref. Map: COOMEALLA SH 1	
Last Plan: _____	
C.A. 175345	
PLAN OF CROWN LAND	
Lengths are in metres. Reduction Ratio - NTS	
Sheet 1 of 1 sheets	
L.G.A.: WENTWORTH	
LOCALITY: DARETON	
PARISH: MOURQUONG	
COUNTY: WENTWORTH	
THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND ABOVE AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL	
THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF S.7A CONVEYANCING ACT 1919.	
Cad ID: 103825519 & 103826568	
LPI Ref.: TCB62/69	
Approved NX: EL	

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AREA AND DIMENSIONS NOT AVAILABLE



Title Search

Information
Provided
Through
triSearch
(Website)
Ph. 1300 064
452

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 519/1216747

SEARCH DATE	TIME	EDITION NO	DATE
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3/2/2026	2:01 PM	-	-

LAND

LOT 519 IN DEPOSITED PLAN 1216747
AT DARETON
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF MOURQUONG COUNTY OF WENTWORTH
TITLE DIAGRAM DP1216747

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA175345)

SECOND SCHEDULE (1 NOTIFICATION)

- * 1 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Cancels p^t plans Dareton 7 & p^t WLB 2481

Papers W.C. & I.C. 33/13743

PLAN OF PORTIONS 503 & 504

County of Wentworth Parish of Mourquong

Land District of Coomealla

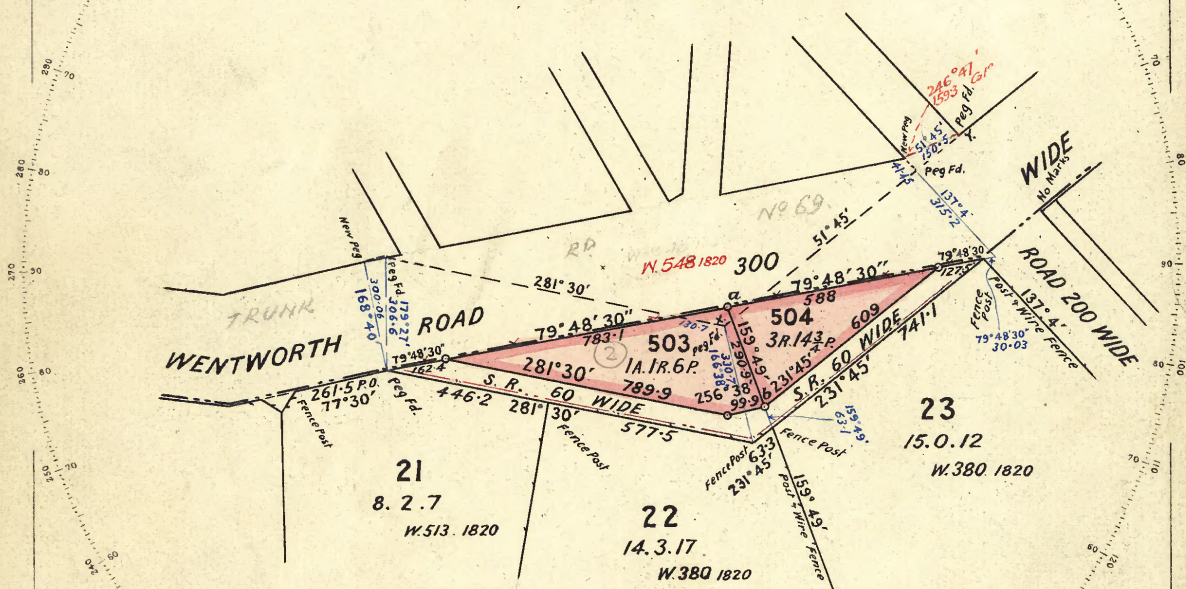
Western Division

Applied for under the Section of the Crown Lands Consolidation Act, 1913, by
 Within Coomealla Irrigation Area Proclaimed Gazette 30th May 1924
 Within R.1711 from Occupation under any Miner's Right or Business License Not^d Gaz. 27th June 1924
 Within R.1712 from Leasing Provisions of the Mining Act 1906 Not^d Gaz. 27th June 1924
 Within the boundaries of the Town of Dareton. Notified 3rd October 1924.
 Excluded from town boundaries vide Notification of Alteration of Design of Part
 of Town of Dareton. Gaz. 9th August 1935. W.C. & I.C. 33/13743.
 Por. 503 added to I.F.P. N^o 2, William Frederick Cass, as from 10th March 1936. Gaz. 19th March 1937. W.C. & I.C. 33/13743
 Por. 504 added to I.F.P. N^o 3, James Buchanan Devine, as from 19th March 1937. Gaz. 15th March 1937 " " "
 Exempt from Operation of Quarry License Gaz. 9th Aug. '35
 Within Municipality of Wentworth as 30th May 1941

Within Shire of Wentworth 23rd November 1956Portion 504. Reserved from Sale or Lease Gen^{ly} Gaz. 21.4.61.

Revoked Gaz. 14.7.61.

TOWN OF DARETON

NOTIFIED 3RD OCT. 1924

Subscribed and declared before me at Mildura in the State of Victoria
 this 15th day of Feb. 1935

Azimuth taken from X.Y.

Field Book Vol. 199 Folio 26

Reference to Corners

Corner	Bearing	From	Links	N ^o on Tree
NUMBERED PEGS AT ALL CORNERS				
RM A	159°49'	PIPE	5-0	
RM B	339°49'	"	5-0	

Reference to Traverse

Line	Bearing	Distance

I, Harry Alexander Bailey of Mildura, a surveyor
 registered under the Surveyor's Act 1929, do hereby solemnly and
 sincerely declare that the survey represented in this plan has
 been made in accordance with the Survey Practice Reg-
 ulations 1933, by me, and was completed on 1st Feb. 1935.
 And I make this solemn declaration, conscientiously
 believing the same to be true, and by virtue of the
 provisions of the Oaths Act 1900

Harry A Bailey

Licensed Surveyor Registered under
the Surveyors Act, 1929

Transmitted to the Secretary Western Land Board with my letter of

Voucher N^o PassedCalculation Book N^o 35 Folio 38

Checked and charged

Examined

Plan approved

1.4.1935
15/6/35

Improvements

Scale 4 Chains to an Inch

Lithographed and Printed at the Department of Lands, Sydney N.S.W. 1935.

Cat. N^o W 547 1820



Title Search

Information
Provided
Through
triSearch
(Website)
Ph. 1300 064
452

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 503/756961

SEARCH DATE	TIME	EDITION NO	DATE
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30/5/2026	10:59 PM	3	25/5/1999

LAND

LOT 503 IN DEPOSITED PLAN 756961
AT DARETON
LOCAL GOVERNMENT AREA WENTWORTH
PARISH OF MOURQUONG COUNTY OF WENTWORTH
(FORMERLY KNOWN AS PORTION 503)
TITLE DIAGRAM CROWN PLAN 547.1820

FIRST SCHEDULE

COOMEALLA MEMORIAL SPORTING CLUB LIMITED (T 5850585)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000A
- 2 EXCEPTING ANY ROADS AND RESUMED LAND
- 3 SUBJECT TO THE CONDITIONS CONTAINED IN THE GOVERNMENT GAZETTE DATED 18.12.1925 AND 19.3.1937
- 4 SUBJECT TO PAYMENT OF RATES AND CHARGES FOR WATER UNDER THE IRRIGATION ACT, 1912
- * 5 IRRIGATION FARM PURCHASE NO. 2 (COOMEALLA IRRIGATION AREA)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Tag E

5678

NEW SOUTH WALES GOVERNMENT GAZETTE, No. 167. [18 Dec., 1926.]

Water Conservation and Irrigation Commission's Office,
Sydney, 18th December, 1925.

NOTIFICATION OF THE SETTING APART OF CROWN LANDS WITHIN COOMEALLA IRRIGATION AREA FOR IRRIGATION FARM PURCHASES OR IRRIGATION FARM LEASES.

IN pursuance of the provisions of the Crown Lands Consolidation Act, 1913, and the Acts amending the same, and of the Irrigation Act, 1912-1924, I, the Minister for Agriculture, do hereby declare that the lands described in the Schedule of Lands hereto are available for disposal by way of purchase or by way of lease as Irrigation Farm Purchases or as Irrigation Farm Leases, AND I SPECIFY the 4th January, 1926, as the date on and after which such purchases and leases may be applied for. AND THE LANDS COMPRISED within the holdings on the said Schedule are hereby described as suitable for horticulture. AND I STATE in the ninth column of the said Schedule opposite each holding the number of water rights which are a fixed charge on each holding specified in such Schedule and in the tenth column of such Schedule I have fixed the prices for such water rights.

THE PERIOD OF THREE years after the date of the granting of the application for every purchase or lease is hereby specified as the period within which the holder is to effect to the satisfaction of the Water Conservation and Irrigation Commission (hereinafter called the Commission) improvements to a value of not less than £500, AND THE PERIOD OF FOUR YEARS after such date is hereby specified as the period within which the holder is to effect improvements to the value of not less than a further sum of £100; a total value of not less than £600.

AND I DETERMINE that the Special Conditions and matters set out in the Schedule of Conditions hereto shall be the Special Conditions as to improvements, cultivation, preservation or planting of timber, and other matters as require to be regulated in the public interest in respect of the lands described in the Schedule of Lands and the same shall be conditions attaching to every purchase or lease of any of the said land.

W. F. DUNN,
Minister for Agriculture.

SCHEDULE OF CONDITIONS.

1. Neither the Commission nor the Crown shall be liable for any damage sustained to the holding or to any property thereon by reason of the stoppage at any time, on any account whatsoever, of the pumping plant for supplying water to the holding, or by subsidence, reflux, flood, seepage, soakage, or overflow which may from time to time or at any time be caused by or arise out of the construction, maintenance and use of any works constructed or to be constructed under the River Murray Waters Act, 1915, as amended, or the Irrigation Act, 1912-1924 and any amendments to same, or any present or future statute for the conservation, distribution, and drainage of water, or from the said works being either wholly or in part destroyed, damaged or affected by fire, storm, tempest, or other accident, nor shall there be in consequence of such damage sustained as aforesaid any abatement of any moneys payable to the Crown or Commission.

2. The holder shall, within six months after the date of granting of the application for the holding, fence the boundaries thereof with substantial fencing of good material and workmanship and shall at all times thereafter keep the said boundaries so fenced. Provided that if at any time the Commission considers such fencing unsatisfactory the holder shall erect fencing of such class and material and within such period as the Commission may direct in a written notification to the holder.

3. No building shall be erected nor shall the erection of any building be commenced on any holding without the approval of the Commission, in writing, to the design, specification, and position thereof being first had and obtained.

4. The holder shall at all times properly cultivate and care for his holding and maintain the improvements thereon in good order and condition to the satisfaction of the Commission.

5. No noxious, dangerous, or offensive business or process shall be carried on or permitted to be carried on on any holding unless the written consent of the Commission shall have been first had and obtained, and all conditions embodied in such consent (if given) shall be duly observed and performed.

6. No act shall be done or omitted on or in respect of any holding in contravention of the provisions of the Liquor Act, 1912, or any existing or future statute amending the same and the conviction of the holder of the holding or any person whomsoever for or in respect of any act so done or omitted shall be conclusive evidence of the breach of this condition.

7. The Commission shall have power without compensation to the holder or abatement of any moneys payable to the Crown or Commission to construct, or cause to be constructed, above and/or below ground in and through any and every holding channels, drains, and other works for the conservation, distribution, and/or drainage of water for any purpose and works for the conveyance of electrical energy or power and to repair, maintain, or alter such channels, drains, other works and works and to use the same respectively for the objects and purposes herein mentioned or referred to, and to attach wires to any building for the conveyance of electricity or any other purposes whatsoever.

8. Any person authorised by the Commission shall have at all times full and free right of ingress, egress and regress into, out of, and over every holding with or without horses, teams, vehicles, scoops, and other implements and all materials and workmen for the purpose of constructing, repairing, maintaining, or altering channels, drains and other works and works and attaching wires as aforesaid within or upon such holding or for the purpose of inspecting such holding, or doing such things as the Commission or its servants are authorised by any condition or provision of or applying to the holding or any law or regulation to do.

9. Unless the consent in writing of the Commission be first obtained no structure, building, fixture, fence or other improvement on any holding in respect of which any money is owing to the Commission shall be removed, destroyed or damaged by the holder or any other person.

18 Dec., 1925.]

NEW SOUTH WALES GOVERNMENT GAZETTE, No. 167.

5679

SCHEDULE OF LANDS.
COOMERALLA IRRIGATION AREA.

(1) Holding No.	(2) Section No.	(3) Parish.	(4) County.	(5) Total Area.	(6) Approximate Area too high for irrigation by gravity.	(7) Approximate Area which may be irrigated by pumping.	(8) Approximate Area too low to be drained.	(9) Water Rights to be delivered in the year ending from time to time— (see note d).	(10) Price for such Water Rights per annum (subject to altera- tion of the rate after from time to time— (see note e).	(11) Crown Improvements.
2	22	Mourmoung	Wentworth	14 3 17	.....	.....	.....	37	44 8 0	Nil.
3	23	Do	do	15 0 12	.....	.....	.....	37	44 8 0	Nil.
31	31	Do	do	10 3 13	.....	.....	.....	42	50 8 0	Nil.
32	32	Do	do	14 2 35	.....	.....	.....	37	44 8 0	Nil.
33	33	Do	do	16 0 8	.....	.....	0 1 8	40	48 0 0	Nil.
34	34	Do	do	23 1 23	.....	.....	.....	40	48 0 0	Nil.
15	35	Do	do	(ex. res.)	.....	.....	.....	.....	56 8 0	Nil.
29	40	Do	do	24 3 4	.....	.....	.....	47	44 8 0	Nil.
40	40	Do	do	15 0 2	.....	.....	.....	37	44 8 0	Nil.
51	51	Do	do	15 0 3	.....	.....	.....	37	44 8 0	Nil.
52	52	Do	do	18 3 35	.....	.....	.....	40	48 0 0	Nil.
53	53	Do	do	16 1 32	.....	.....	.....	40	48 0 0	Nil.
54	54	Do	do	16 2 0	.....	.....	0 1 0	45	54 0 0	Nil.
55	55	Do	do	17 3 9	.....	.....	.....	45	54 0 0	Nil.
56	56	Do	do	16 0 4	.....	.....	.....	40	48 0 0	Nil.
57	57	Do	do	16 0 2	.....	.....	.....	40	48 0 0	Nil.
119	130	Do	do	15 0 19	.....	.....	0 1 0	35	42 0 0	Nil.
121	141	Do	do	15 0 0	.....	.....	.....	37	44 8 0	Nil.
122	142	Do	do	15 0 0	.....	.....	.....	37	44 8 0	Nil.
128	145	Do	do	15 1 37	.....	.....	.....	37	44 8 0	Nil.
129	149	Do	do	15 1 36	.....	.....	.....	37	44 8 0	Nil.
131	151	Do	do	31 2 34	.....	.....	.....	45	54 0 0	Nil.
132	152	Do	do	(ex. res.)	.....	.....	.....	.....	44 8 0	Nil.
133	153	Do	do	16 2 5	.....	.....	.....	37	44 8 0	Nil.

NOTE.—Subject to the Irrigation Act, 1912-1924—
 (a) The annual charge in respect of Water Rights in above Schedule will be payable during the fifth and succeeding years after the date of the granting of the application for the holding. For the first year after the date of granting the rate will be one-fifth, for the second year two-fifths, for the third year three-fifths, and for the fourth year four-fifths of the amount set out in the Schedule.
 (b) The Water Rights in the above Schedule are to be granted during the fifth and succeeding years after the date of the granting of the application for the holding. For the first year after the date of granting the Water Rights will be 10, for the second year after the date of granting the Water Rights will be two-fifths, for the third year three-fifths, and for the fourth year four-fifths of the Water Rights set out in the Schedule.
 (c) The amount of the notification of 9th May, 1925, as relates to the portions in the above Schedule is revoked.

Tag F

19 MAR., 1937.] NEW SOUTH WALES GOVERNMENT GAZETTE No. 36.

1247

(1698) Water Conservation and Irrigation Commission,
Sydney, 19th March, 1937.

NOTIFICATION OF ADDITION OF CROWN LANDS TO EXISTING IRRIGATION FARM PURCHASES.

IN pursuance of the provisions of section 144A of the Crown Lands Consolidation Act, 1913, and the Acts amending the same, and the Irrigation Act, 1912, as amended by subsequent Acts, it is hereby notified that the Water Conservation and Irrigation Commission (hereinafter called the Commission) doth hereby add Crown Lands within Coomealla Irrigation Area to the existing Irrigation Farm Purchases, as set out in the Schedule of Lands hereunder subject to the conditions set out in the Schedule of Conditions hereto and to the general provisions of the Crown Lands Consolidation Act, 1913, the Irrigation Act, 1912-1931, and any Acts amending the same.

In pursuance of the provisions of section 144C of the Crown Lands Consolidation Act, 1913, adjustments of the amounts owing on account of survey fee are hereby made as set out in the seventeenth column of the Schedule of Lands referred to. The survey fee in respect of farms 2, 3, 18, 41, 130 shall become due and payable on the 30th June, 1937, and if it is not paid on or before that date interest at the rate of £4 per centum per annum on the amount unpaid from that date to the date of payment shall be payable.

The Crown Lands added to Irrigation Farm Purchases Nos. 2, 3, 18, 41 and 130 contain no Crown improvements.

The Crown Lands added to Irrigation Farm Purchase No. 152 contain Crown improvements, consisting of fencing valued at £1 12s. 5d., and the value of such improvements shall be deemed to have become due and payable on 19th March, 1937.

(L.S.) GEO. J. EVATT, Commissioner.

The Common Seal of the Water Conservation and Irrigation Commission was hereunto affixed by GEORGE JOSEPH EVATT, a Commissioner appointed under the Irrigation Act, 1912, as amended by subsequent Acts, in the presence of H. BEVAN, Secretary.

In pursuance of the provisions of section 7A of the Irrigation Act, 1912, as amended, I, HUGH MAIN, the Minister for Agriculture, hereby state in the eighth column of the Schedule of Lands hereunder the number of water rights which are attached to the Irrigation Farm Purchases to which Crown Lands have been added by the above notification by the Water Conservation and Irrigation Commission. In the ninth column of such Schedule I have determined the price per annum for each of such water rights, in the tenth column I have specified the number of the said water rights which shall be a fixed charge, and in the eleventh column I have specified the parts of the Irrigation Farm Purchases to which water rights apply.

HUGH MAIN, Minister for Agriculture.

SCHEDULE OF CONDITIONS.

1. Neither the Commission nor the Crown shall be liable for any damage sustained to the holding or to any property thereon by reason of the stoppage, at any time, on any account whatsoever, of the pumping plant for supplying water to the holding, or by subsidence, reflux, flood, seepage, soakage, or overflow which may from time to time or any time be caused by or arise out of the construction, maintenance and use of any works constructed or to be constructed under the River Murray Waters Act, 1915, as amended, or the Irrigation Act, 1912-1931, and any amendments to same, or any present or future statute for the conservation, distribution and drainage of water, or from the said works being either wholly or in part destroyed, damaged or affected by fire, storm, tempest, or other accident, nor shall there be in consequence of such damage sustained as aforesaid any abatement of any moneys payable to the Crown, the Commission or the Rural Bank of New South Wales (hereinafter called the Bank).

2. The holder shall within six months after the date of notification in the Government Gazette of the increase of the area of the holding, fence the boundaries thereof with substantial fencing of good material and workmanship, and shall at all times thereafter keep the said boundaries so fenced. Provided that if at any time the Commission considers such fencing unsatisfactory the holder shall erect fencing of such class and material and within such period as the Commission may direct in a written notification to the holder.

3. No building shall be erected nor shall the erection of any building be commenced on the holding without the approval of the Commission in writing, to the design, specification and position thereof being first had and obtained.

4. The holder shall at all times properly cultivate and care for his holding and maintain the improvements thereon in good order and condition to the satisfaction of the Commission.

5. No noisome, dangerous or offensive business or process shall be carried on, or permitted to be carried on, on the holding unless the written consent of the Commission shall have been first had and obtained, and all conditions embodied in such consent (if given) shall be duly observed and performed.

6. Full, free and uninterrupted right and liberty at all times is reserved to the Crown and the Commission and its assigns to construct, lay, use, alter and for ever maintain upon the holding, conduits, channels, pipes and appliances for the conveyance, under, over and through the same of electrical energy, water, drainage and/or sewage and waste water, and to attach wires or cables to any building or buildings which may be upon the holding. And in no case shall the holder be entitled to any compensation or any reduction in the rental or purchase money of the holding by reason of the exercise by the Crown, the Commission or its assigns of any one or more of the powers or rights hereby reserved. And full power and authority is reserved to the Crown and the Commission and its assigns and to any person or persons duly authorised in that behalf by the Crown, the Commission or its assigns to enter upon the holding for the purpose of viewing and inspecting the same, and for the purpose of exercising any one or more of the powers or rights hereby reserved. Reservations and conditions to the effect of the foregoing provisions will be inserted in the Crown Grant when issued.

7. No person shall remove or cause to be removed any structure, building, fixture, fence or other improvement on the holding in respect of which any moneys are owing—

(a) to the Commission—without the consent in writing of the Commission;

(b) to the Bank—without the consent in writing of the Bank.

8. The parts of Irrigation Farm Purchases 18 and 41, containing areas of 2 acres and 1 acre 1 rood 30 perches and shown by red colour on plans catalogued 84-118 and 84-117 respectively at the Commission's office at Sydney, shall not be watered by the holder or by any other person.

9. No act shall be done or omitted on or in respect of any holding in contravention of the provisions of the Liquor Act, 1912, or any existing or future statute amending the same and the conviction of the holder of the holding or any person whomsoever for or in respect of any act so done or omitted shall be conclusive evidence of the breach of this condition.

10. The occupier of Irrigation Farm Purchase 41 shall pay to the Bank under such terms and conditions as it may deem fit to impose charges in respect of his occupation of the lands comprised in portion 372 in accordance with the lease agreement executed by him.

11. The occupier of Irrigation Farm Purchase No. 2 shall pay to the Bank under such terms and conditions that it may deem fit to impose charges in respect of his occupation of the lands at the rate of six shillings and sixpence per annum from the 1st January, 1935, to the day preceeding the date the addition took effect, i.e., 9th March, 1936.

1948

NEW SOUTH WALES GOVERNMENT GAZETTE No. 36. [19 MAR., 1937.]

NOTIFICATION OF ADDITION OF CROWN LANDS TO EXISTING IRRIGATION FARM PURCHASES—continued.

SCHEDULE OF LANDS.

COOMEALLA IRRIGATION AREA.

Western Division; Land District of Coomealla; County of Wentworth; Parish of Mourmoung.

Irrigation Purchase.	Name of Holder.	Area added to Holding.		Area of Holding as added to—		Irrigable particulars in respect of Area to which Water Rights apply.					Date from which increase in area took effect.	Additional Survey Fee payable on added area.	Land considered to be suitable for.	Plan No.
		Portion No.	Area.	Portion No.	Area.	Approximate Area which is too high for Irrigation by Gravitation.	Number of Water Rights attached.	Prior for each Water Right as shown in Column (9).	Number of Water Rights fixed charge.	Part of Holding to which Rights attach.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
2	Cass, William Frederick	503	1 1 6	22 and 503.	16 0 23	a. r. p.	37	£ s. d. 1 4 0	37	Portion 22	10 Mar., 1936	£ s. d. 4 6 8	Horticulture	W. 380, 547-1820
3	Devine, James Buchanan	504	0 3 14	23 and 504.	15 3 26	.....	37	1 4 0	37	Portion 23	19 Mar., 1937	4 6 8	do	W. 380, 547-1820
†18	Bhair, Lewis Stewart	389	5 0 0	38 and 389.	30 2 20 (ex. res.)	8 2 37	67	1 4 0	67	Portion 38 and part 389.	1 Sept., 1936	4 6 8	do	W. 413, 515-1820
41	Treblcock, Harry	372	3 2 64	61 and 372.	18 2 94	0 2 16	41	1 4 0	41	Portion 61 and part 372.	25 Nov., 1936	4 6 8	do	W. 420, 508-1820
†130	Evans, Reginald Percy (W. C. Jolley—2nd mortgage at date addition took effect).	486	5 3 22	150 and 486.	31 0 24	10 0 32	57	1 4 0	57	Portion 150.	15 Feb., 1937	4 6 8	do	W. 403, 540-1820
†152	Loram, Herbert George...	512	5 0 0	174, 175 & 512	27 2 12	1 0 32	52	1 4 0	52	Portions 174 & 175.	19 Mar., 1937	.....	do	W. 437, 551-1820

* Irrigable Picking Proprietary Limited—mortgage at date addition took effect.

† Rural Bank of New South Wales—mortgage at date addition took effect.

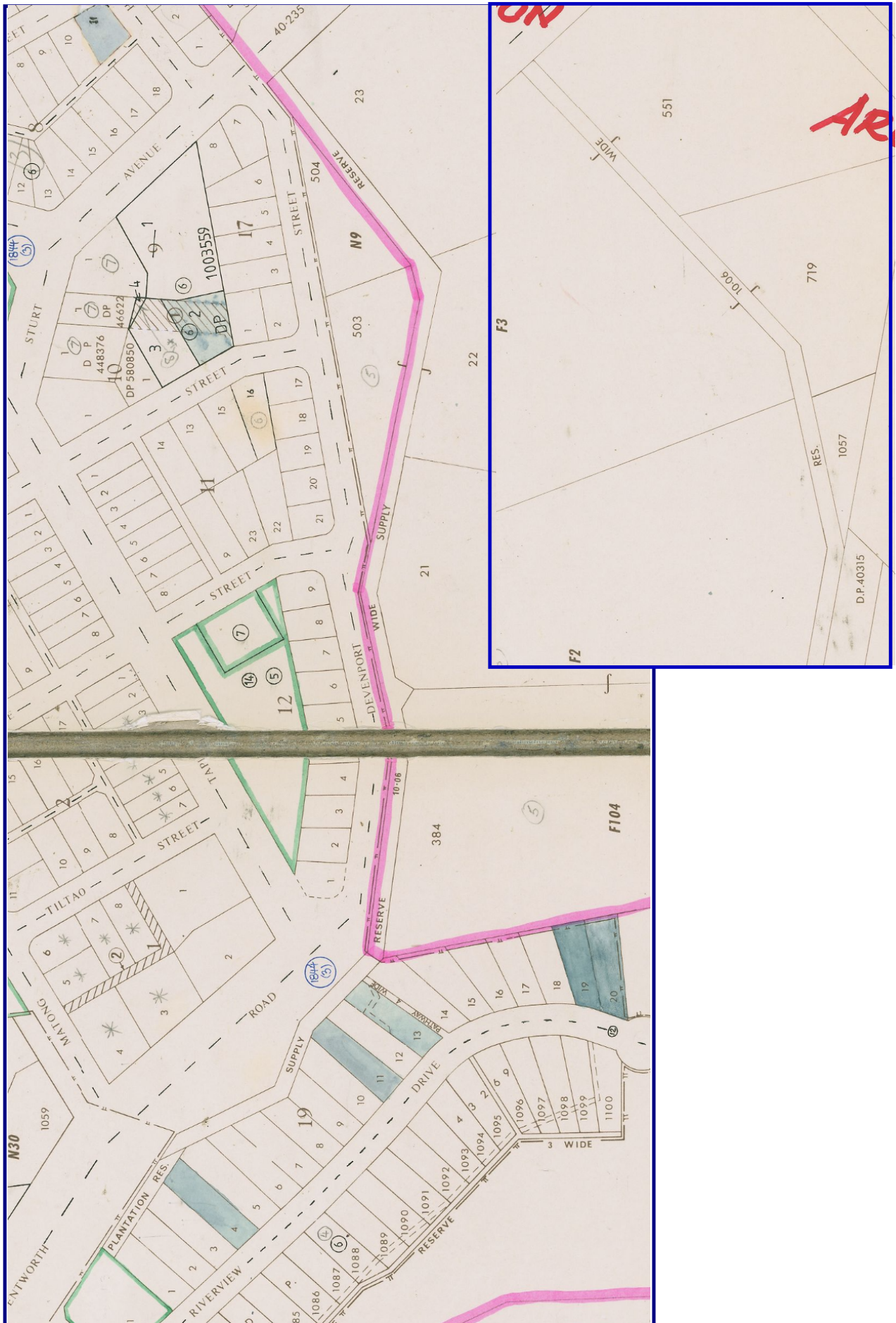
‡ Bank of Australasia—mortgage at date addition took effect.

NOTE.—Subject to the provisions of the Irrigation Act, 1912, as amended by subsequent Acts.—Of so many of the water rights which the Minister for Agriculture, in columns (8) and (10) of the above Schedule of Lands, states shall attach and be a fixed charge in respect of Farms 18 and 41 as are in excess of the water rights (60) and (35) fixed by the Minister by notification in Gazettes of 22nd May, 1936, and 11th March, 1927 (viz. 7 and 6) (W.C. & I.C. 33-13,743, 35-13,303, 36-13,942, 37-12,105, 35-12,174; C/C. B. 582/1, B. 298/2, B. 461/2, B. 320, B. 489/2)

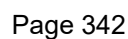
respectively, one-fifth shall be supplied and charged for in the first year from the dates set out in Column (12) of the said Schedule of Lands opposite Farms 18 and 41 respectively, two-fifths in the second year, three-fifths in the third year, four-fifths in the fourth year and in the fifth and succeeding years the full number that attach and are a fixed charge shall be supplied and charged for.

Page 6

Extract from the historical parish map, Town of Dareton 1st Edition



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Page 343



Subject:

Irrigation Corporations Act, 1994 - Transfer of Assets

BACKGROUND

Lower Murray Irrigation Areas Limited is now listed as a Class 1 Irrigation Corporation under the Irrigation Corporations Act 1994.

The Irrigation Corporation was established to exercise functions that are principally a continuation of arrangements within the Coomealla, Buronga and Curlwaa Irrigation Areas.

Section 78 of the Act provides that the Minister may, by order in writing, direct that the business undertaking of the Water Administration Ministerial Corporation in or relating to an irrigation scheme area or areas be transferred to an irrigation corporatisation connected with that area or areas.

The First Schedule to the Order sets out those assets, rights and liabilities of the Ministerial Corporation which the Department of Water Resources had determined are appropriately to be excluded from the business undertaking to be transferred.

The Second Schedule to the Order sets out those assets, rights and liabilities of the Ministerial Corporation which the Department of Water Resources has determined are appropriately to be transferred to the Irrigation Corporation.

RECOMMENDATION

I RECOMMEND that the assets, rights and liabilities of the Ministerial Corporatisation set out in the attached Order be vested in the Irrigation Corporation pursuant to section 78 of the Act.

M 23.12.95
The Minister

[Signature]
Director General
23/2/95

*I certify this to be a true copy
of the original document
Witnessed & signed
Don't separate from 23/2/95*

ORDER

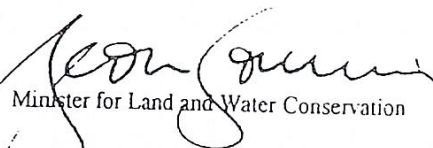
Section 78 Irrigation Corporations Act 1994

I, GEORGE SOURIS, Minister for Land and Water Conservation, being the Minister administering Part 5 of the above Act, hereby direct that:

- 1 the business undertaking of the Water Administration Ministerial Corporation in or relating to Lower Murray Irrigation Areas (the "Business Undertaking") be transferred on 24 February 1995 to Lower Murray Irrigation Areas Limited (the "Corporation") for the consideration specified in this order;
- 2 the value of each asset, right or liability comprised in the Business Undertaking shall be the value attributed to the asset, right or liability in:
 - (a) the Balance Sheet of the Water Administration Ministerial Corporation in respect of the Business Undertaking as at 23 February 1995 excluding those items in the First Schedule; and
 - (b) the items in the Second Schedule to the extent that they are not included in the Balance Sheet as at 23 February 1995;
- 3 the Balance Sheet referred to in 2 above shall be supported by a Certificate from the Auditor General issued in accordance with the Public Finance and Audit Act 1983, and the valuation of items making up the First Schedule and the Second Schedule will likewise be supported by Certificates from the Auditor General;
- 4 in consideration for the transfer of the Business Undertaking to the Corporation, the Corporation shall be liable to pay to the Crown the net value of the assets, rights and liabilities as set out above; and
- 5 the liability shall be discharged by the Corporation issuing within 30 days of the commencement of this order, shares in the Corporation to its members (or such other persons as those members may specify in writing) in the numbers and upon such terms as to issue price, share capital, share premium and reserves as the voting shareholders of the Corporation may determine

This order commences on 24 February 1995

Dated this 23RD day of FEBRUARY 1995.


Minister for Land and Water Conservation

FIRST SCHEDULE

Bridges and culverts constructed on land owned by a public or local authority

Cottages 7 & 8 and Part Lot 1056 Deposited Plan 40315 4860 square metres.

Lots 1, 2, 3, 6 and 10, Deposited Plan 706297, and lot 1, Deposited Plan 802732.

The rights to all debts with respect to water charges outstanding for 30 days or more at the commencement of this order.

*I verify this is a true copy
of the original document
21/4/95 David - Brumby that was sent to the PM*

- Page 2 -

SECOND SCHEDULE

- (a) Land/Easements included in the Business Undertaking transferred to Lower Murray Irrigation Areas Limited.

(i) CURLWAA

Pump and depot	Lot 4 Deposited Plan 729494	6241m ²
Cottage 18)	Lot 5 Deposited Plan 807831	8553m ²
Cottage 19)		
Conveying Work Sites	As shown on Plan Catalogue No. 44/658 Sheet 1	

COOMEALLA

Pump and depot	Lot 2 Plan Catalogue No. 84/642 and Lot 848 Deposited Plan 756961	14.02ha 3.51ha
Holland Lake	Easement to Flood Within Lot 4 Deposited Plan 802730	
New Office Site	Allotments 3, 4, 5, 6, & 7 Section 2 Deposited Plan 758338	2434m ²
Conveying Work Sites	As shown on Plan Catalogue No. 44/658 Sheet 2	

BURONGA

Pump	Lot 1 Deposited Plan 616588 and Part Lot 460 Deposited Plan 756961. Easements for Pipeline and Access within lot 460 Deposited Plan 756961 - Acquired gazette 16.10.1959	4634m ²
Depot Cottage 16)	Lot 98 Deposited Plan 756946	5767m ²
Conveying Work Sites	As shown on Plan Catalogue No. 44/658 Sheet 3.	

- (ii) Crown land on which any works referred to in (b)(i) are located other than land shown as drainage areas on Plan Catalogued 44/657 in the Parramatta Office of the Department of Water Resources and those lands which are the subject of leases or interests in land under Crown Land legislation at the date of this order.
- (iii) Land of the Crown within the irrigation scheme area of the Corporation that is vested in the Water Administration Ministerial Corporation or the Lands Administration Ministerial Corporation and on which any works referred to in (b)(i) are located other than land shown as drainage areas on Plan Catalogued 44/657 in the Parramatta Office of the Department of Water Resources and those lands which are the subject of leases or interests in land under Crown Land legislation at the date of this order.

- Page 3 -

SECOND SCHEDULE (Cont.)

- (b) Works included in the Business Undertaking transferred to Lower Murray Irrigation Areas Limited.

(i) **CURLWAA**

Works comprise a pump and water reservoir on the right bank of the Murray River, reticulation pipelines together with all necessary structures, fittings and meters for the purpose of conveyance, delivery and measurement of water to farm boundaries. Drainage works consist of excavated channels, sub-surface pipes together with all necessary pumps, block dams and regulators for discharge into Fletcher's Lake and Tuckers Creek. A levy is provided to protect irrigated land from flooding.

COOMEALLA

Works comprise a pump and levy on the right bank of the Murray River, rising main, balance tank and dissipater structure, excavated channels and pipelines together with all necessary structures, fittings and meters for the purpose of conveyance, delivery and measurement of water to farm boundaries. Drainage works consist of excavated channels and sub-surface pipes for discharge into Holland Lakes, Fletcher's Lake and Tuckers Creek and drainage basins.

BURONGA

Works comprise a pump on the right bank of the Murray River, rising main, receiving basin, reticulation pipelines together with all necessary structures, fittings and meters for the purpose of conveyance, delivery and measurement of water to farm boundaries. Drainage works consist of excavated channels and pipes discharging into the Murray River and drainage basins.

All the above are as shown on plan catalogued 44/657 in the Parramatta Office of the Department of Water Resources.

- (ii) Regulators attached to bridges and culverts constructed on land owned by a public or local authority.

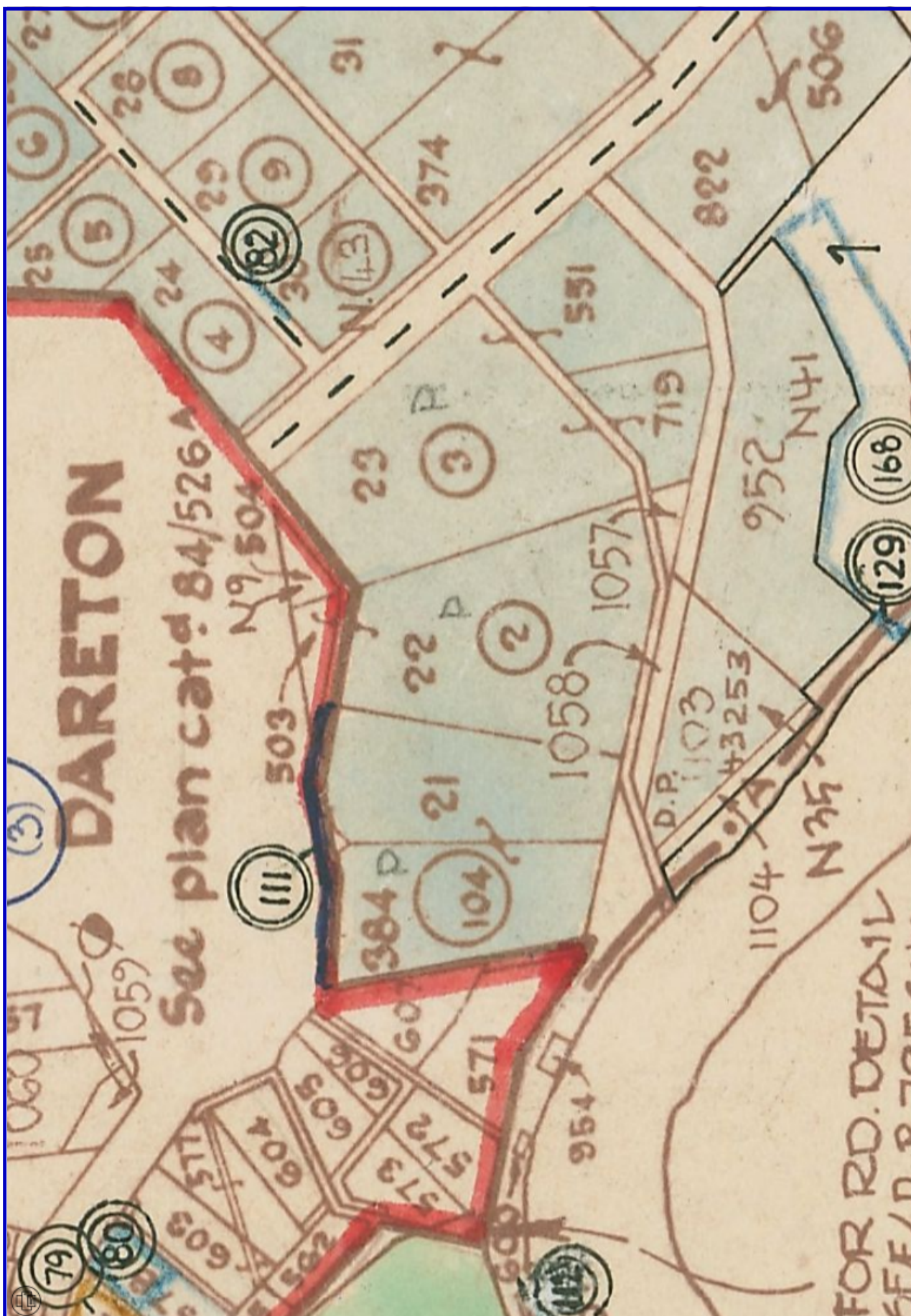
(c) **Bank Account**

State Bank of N.S.W. Ltd - Account Number 02859800 402-000

44/657
SAT







1 day L

Craig Barnes

From: Amy Smith <amy.smith@crownland.nsw.gov.au>
Sent: Thursday, 2 April 2026 11:23 AM
To: Craig Barnes
Cc: Gaylene Barker
Subject: Coomealla Drainage - Status - Lot 519 DP 1216747

Good Morning Craig,

Thank you for contacting the Department regarding a status search for Lot 519 DP 1216747.

You requested the Department investigate 'if Lot 519 DP 1216747 was subject to a crown tenure on 23 February 1995'.

A search of the charting map in office use at the time (Special Land District of Coomealla (Coomealla Irrigation Area – Sheet 1A)) and records concerning Lot 519 DP1216747 does not reveal that Lot 519 DP1216747 was subject to a Crown tenure on 23 February 1995.

Kind regards,

Amy Smith

Senior Natural Resource Management Officer – Far West Land and Asset Management

Crown Lands | Department of Planning, Housing and Infrastructure

P 1300 886 235 | **T** 02 6883 5434 | **E** amy.smith@crownland.nsw.gov.au

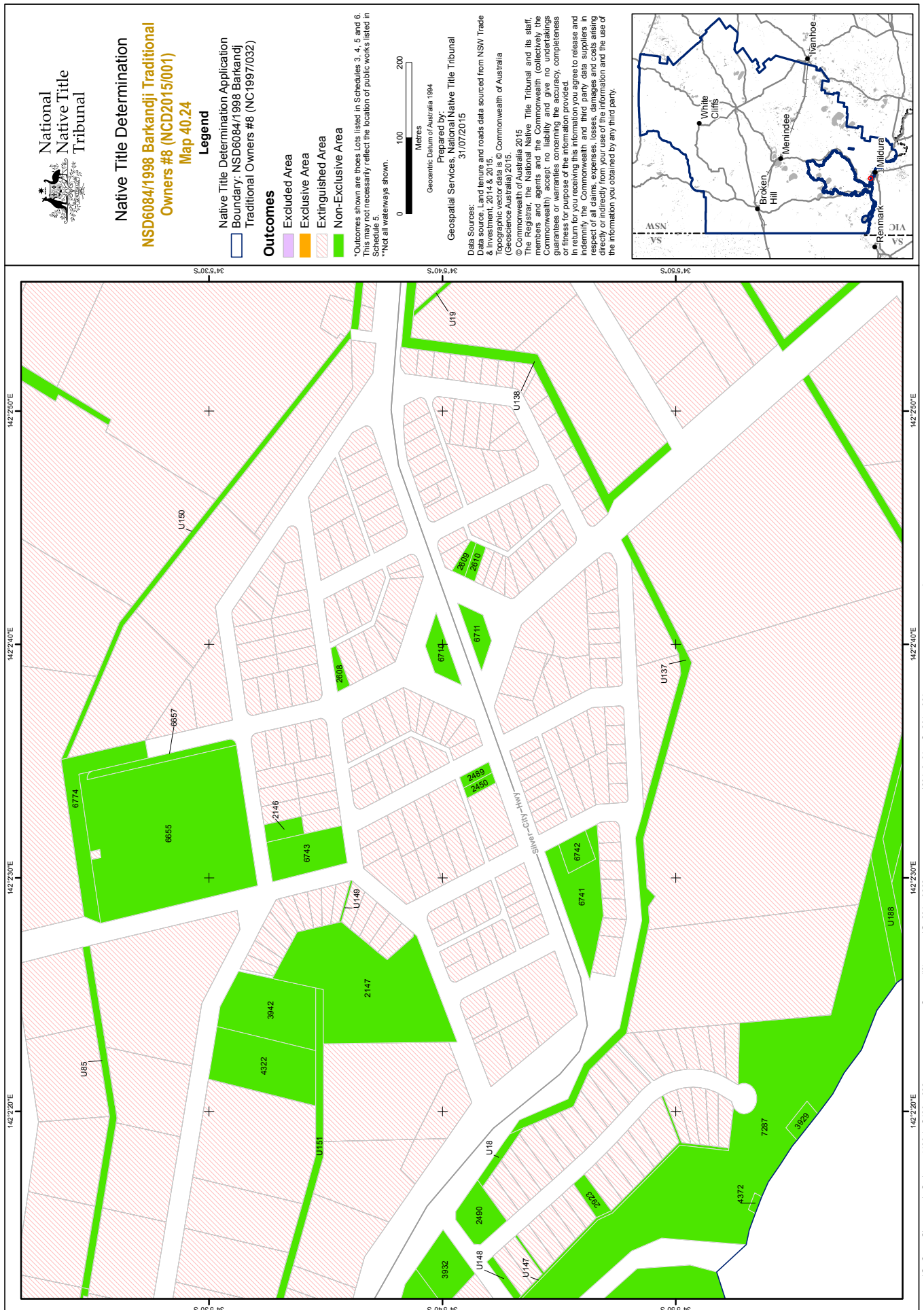
45 Wingewarra Street, DUBBO NSW 2830 | PO Box 2185, DANGAR NSW 2309

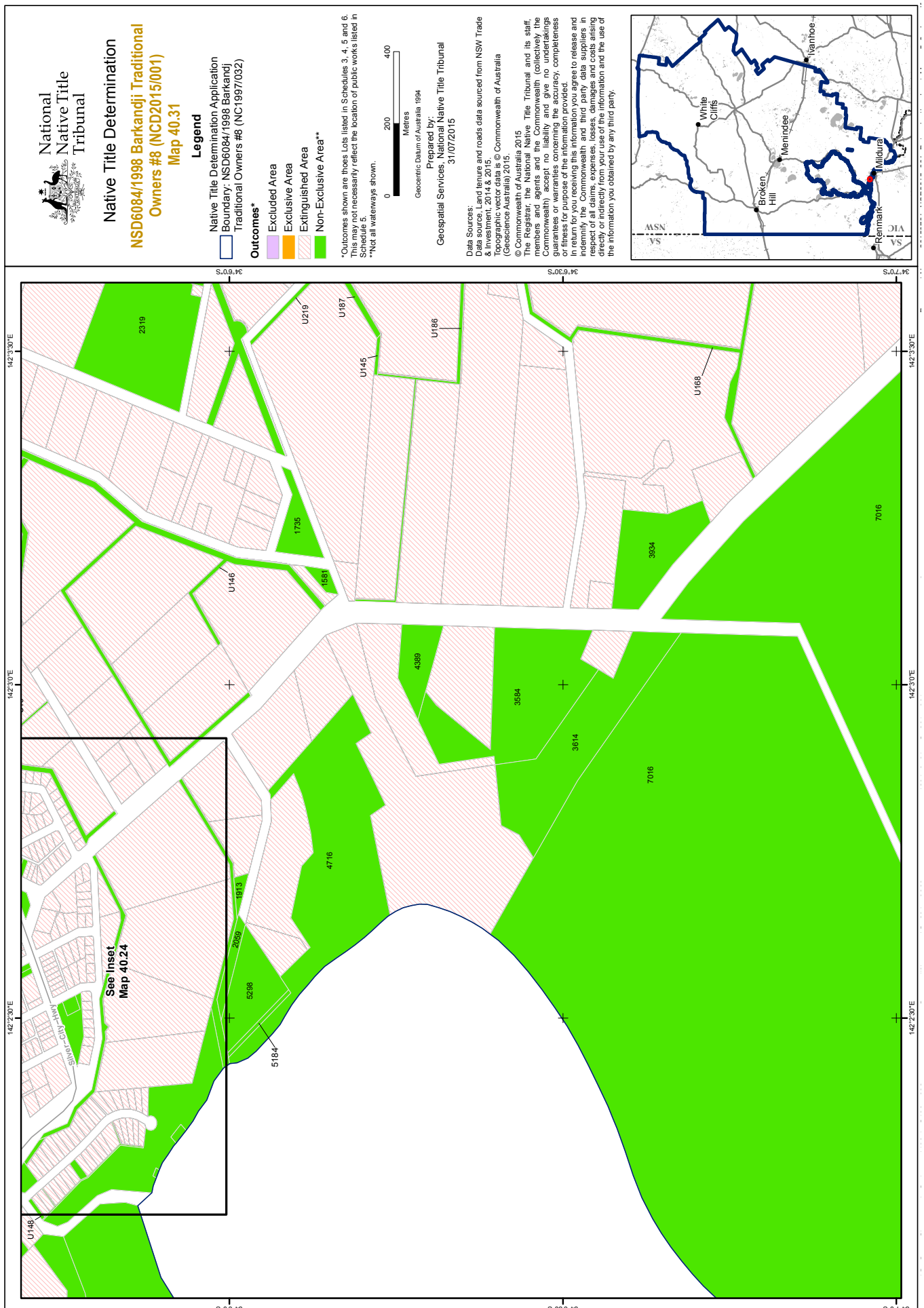
www.crownland.nsw.gov.au

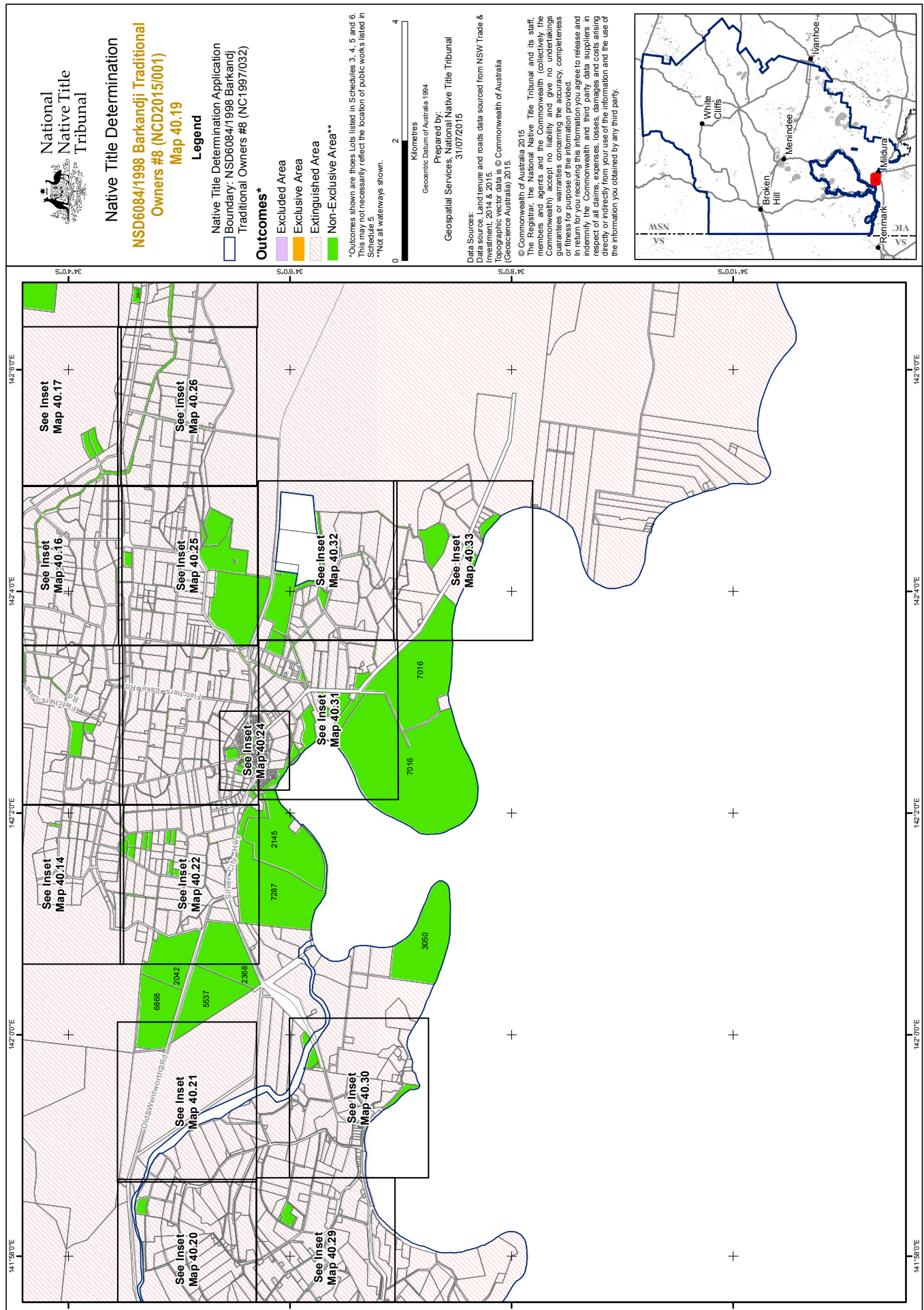


The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Please Note: our office opening hours are 9.00am to 12.00pm Monday to Friday and outside of these hours by appointment only.







FEDERAL COURT OF AUSTRALIA**Barkandji Traditional Owners #8 v Attorney-General of New South Wales****[2015] FCA 604**

Citation: Barkandji Traditional Owners #8 v Attorney-General of New South Wales [2015] FCA 604

Parties: **WILLIAM CHARLES BATES, MURRAY BUTCHER, DEREK HARDMAN, CYRIL JAMES HUNTER, MARY-ANN MARTON, MAUREEN O'DONNELL AND JENNIFER WHYMAN ON BEHALF OF THE BARKANDJI TRADITIONAL OWNERS v ATTORNEY GENERAL OF NEW SOUTH WALES, THE MURRAY DARLING BASIN AUTHORITY, BROKEN HILL CITY COUNCIL, WENTWORTH SHIRE COUNCIL, BROKEN HILL LOCAL ABORIGINAL LAND COUNCIL, DARETON LOCAL ABORIGINAL LAND COUNCIL, MENINDEE LOCAL ABORIGINAL LAND COUNCIL, MUTAWINTJI LOCAL ABORIGINAL LAND COUNCIL, WILCANNIA LOCAL ABORIGINAL LAND COUNCIL, NEW SOUTH WALES ABORIGINAL LAND COUNCIL, CRAIG ANDREW BELL, GLEN GENE BELL, NYOLI MERLE BELL, ESTATE OF THE LATE SYDNEY GEORGE MAYNARD, DONALD BACH LANGFORD, MALCOLM JAMES MAYNARD, JANE MCCLURE, POWERCOR AUSTRALIA LTD, STANLEY WINE CO PTY LTD, ERNST HENRY VOULLAIRE, KEVIN JOHN VOULLAIRE, MARGARET PATRICIA VOULLAIRE, RODNEY JAMES VOULLAIRE, CRISTAL MINING AUSTRALIA (FORMERLY BEMAX RESOURCES NL), MURRAY BASIN TITANIUM PTY LTD, TRANSGRID, TELSTRA CORPORATION LIMITED and MUTAWINTJI NATIONAL PARK BOARD OF MANAGEMENT**

File numbers: NSD 6084 of 1998

Judges: **JAGOT J**

Date of judgment: 16 June 2015

Catchwords: **NATIVE TITLE – consent determination**

Legislation: *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth)

Federal Court of Australia Act 1976 (Cth) s 37M, 37N
Native Title Act 1993 (Cth) ss 13, 47A, 56(2), 66, 87, 87A, 94A, 225, 238
Mining Act 1992 (NSW)
Petroleum (Onshore) Act 1991 (NSW)
Petroleum (Submerged Lands) Act 1982 (NSW)
Mining Regulation 2010 (NSW)

Cases cited:

Cox on behalf of the Yungngora People v State of Western Australia [2007] FCA 588
Gunggari People v State of Queensland (2001) 115 FCR 109
Lander v South Australia [2012] FCA 427
Lovett on behalf of the Gunditjmara People v State of Victoria [2007] FCA 474
Munn v Queensland (2001) 115 FCR 109; [2001] FCA 1229
Nangkiriny v State of Western Australia (2002) 117 FCR 6; [2002] FCA 660
Ward v State of Western Australia [2006] FCA 1848
WF (Deceased) on behalf of Wiluna People v State of Western Australia [2013] FCA 755

Date of hearing:

16 June 2015

Place:

Broken Hill, NSW

Division:

GENERAL DIVISION

Category:

Catchwords

Number of paragraphs:

18

Solicitor for the Applicant:

Ms M Holt and Mr A Chalmers of NTSCORP Limited

Counsel for the Attorney-General of New South Wales:

Mr V Hughston SC

Solicitor for the Attorney-General of New South Wales:

NSW Crown Solicitor's Office

Solicitor for New South
 Wales Aboriginal Land
 Council, Broken Hill Local
 Aboriginal Land Council,
 Dareton Local Aboriginal
 Land Council, Menindee

Mr D Beckett of Chalk & Fitzgerald

Local Aboriginal Land
Council, Mutawintji Local
Aboriginal Land Council and
Wilcannia Local Aboriginal
Land Council:

**IN THE FEDERAL COURT OF AUSTRALIA
NEW SOUTH WALES DISTRICT REGISTRY
GENERAL DIVISION**

NSD 6084 of 1998

**BETWEEN: WILLIAM CHARLES BATES, MURRAY BUTCHER, DEREK
HARDMAN, CYRIL JAMES HUNTER, MARY-ANN
MARTON, MAUREEN O'DONNELL AND JENNIFER
WHYMAN ON BEHALF OF THE BARKANDJI
TRADITIONAL OWNERS
Applicant**

**AND: ATTORNEY GENERAL OF NEW SOUTH WALES
THE MURRAY DARLING BASIN AUTHORITY
BROKEN HILL CITY COUNCIL
WENTWORTH SHIRE COUNCIL
BROKEN HILL LOCAL ABORIGINAL LAND COUNCIL
DARETON LOCAL ABORIGINAL LAND COUNCIL
MENINDEE LOCAL ABORIGINAL LAND COUNCIL
MUTAWINTJI LOCAL ABORIGINAL LAND COUNCIL
WILCANNIA LOCAL ABORIGINAL LAND COUNCIL
NEW SOUTH WALES ABORIGINAL LAND COUNCIL
CRAIG ANDREW BELL
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ESTATE OF THE LATE SYDNEY GEORGE MAYNARD
DONALD BACH LANGFORD
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POWERCOR AUSTRALIA LTD
STANLEY WINE CO PTY LTD
ERNST HENRY VOULLAIRE
KEVIN JOHN VOULLAIRE
MARGARET PATRICIA VOULLAIRE
RODNEY JAMES VOULLAIRE
CRISTAL MINING AUSTRALIA (FORMERLY BEMAX
RESOURCES NL)
MURRAY BASIN TITANIUM PTY LTD
TRANSGRID
TELSTRA CORPORATION LIMITED
MUTAWINTJI NATIONAL PARK BOARD OF
MANAGEMENT
Respondents**

**JUDGE: JAGOT J
DATE OF ORDER: 16 JUNE 2015
WHERE MADE: BROKEN HILL, NSW**

- 2 -

BEING SATISFIED that a determination of native title in the terms agreed by the parties, as recorded in the agreement between the parties made under s 87A(1) of the *Native Title Act 1993* (Cth) (the **NTA**) and filed on 12 June 2015 (the **agreement**), is within the power of the Court, and it appearing appropriate to do so by consent of the parties,

PURSUANT TO SS 87A(4) AND (5) AND 94A OF THE NTA, THE COURT ORDERS THAT:

1. There be a determination of native title in the terms set out below (the **Determination**).
2. Barkandji Native Title Group Aboriginal Corporation shall hold the determined native title in trust for the native title holders pursuant to s 56(2)(b) of the NTA.
3. There be no orders as to costs

THE COURT NOTES THAT:

- A. On 8 October 1997, the applicant in proceeding NSD 6084 of 1998 made a native title determination application ('Barkandji Application') in relation to an area of land or waters covering (within its external boundaries) approximately 128,482 square kilometres in the State of New South Wales.
- B. The Barkandji and Malyangapa People are comprised of the Malyangapa People and the following Barkandji sub-groups:

(a) Thankali;	(e) Wilyakali;
(b) Barkandji;	(f) Pantjikali/Wanyiwalku;
(c) Parintji;	(g) Paruntji; and
(d) Maraura;	(h) Kurnu/Naulco.

The Barkandji and Malyangapa People are more particularly described in paragraph 4 of the determination below. In the event of an inconsistency between the description in this Note and the description of the Barkandji and Malyangapa People in paragraph 4 of the determination, the latter description shall prevail.

- C. The parties have reached an agreement as to the terms of a determination of native title to be made in relation to part of the Claim Area and in relation to areas within the external boundaries described in the Barkandji Application where it is agreed native title has been extinguished.

- 3 -

- D. The terms of the agreement involve the making of orders by consent for a determination pursuant to ss 87A and 94A of the NTA that native title exists in relation to the land or waters in part of the Claim Area. The terms also involve making a determination that native title does not exist in relation to areas within the external boundaries described in the Barkandji Application where it is agreed native title has been extinguished.
- E. The parties have agreed that, in respect of the Excluded Areas, no determination is to be made at present.
- F. Pursuant to ss 87A and 94A of the NTA, the parties have filed a Minute of Proposed Consent Determination of Native Title which reflects the terms of the agreement reached by them.
- G. The applicant has nominated the Barkandji Native Title Group Aboriginal Corporation ICN 4740 pursuant to s 56(2) of the NTA to hold the determined native title in trust for the common law native title holders.
- H. Barkandji Native Title Group Aboriginal Corporation ICN 4740 has consented in writing to hold the rights and interests comprising the native title in trust for the common law holders and to perform the functions of a registered native title body corporate under the NTA.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

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THE DETERMINATION**Existence of native title**

1. The Determination Area comprises the land or waters described in Schedule One and depicted on the plan in Schedule Two.
2. Native title exists in the Determination Area in the manner set out in paragraphs 5 to 9.
3. Native title does not exist in the Extinguished Areas.

Native title holders

4. Native title in the Determination Area is held by the Barkandji and Malyangapa People who comprise all the descendants of the following apical ancestors:

(a) Manfred Mary/Mary Johnson/ Mary Brodie	(t) Tottie Gibson
(b) Manfred Tommy	(u) Kutyi
(c) Louisa Brown	(v) Cate Newton/Maggie Tyler
(d) Cuthero Jack Brown	(w) Albert Bates
(e) Susan/Annie Webster	(x) Fanny Bates
(f) Bill Webster	(y) Yancannia Kitty
(g) Harry Whyman	(z) Judy Quayle
(h) Kate Whyman	(aa) Nancy Watts
(i) Louisa McLean	(bb) Topsie Crowe
(j) Alec McLean	(cc) Alec Bridge
(k) Nganya	(dd) Olive Barton
(l) Sarah Cabbage	(ee) Margaret Payne
(m) Harry Mitchell	(ff) Kitty Knight
(n) Daniel McGregor	(gg) Jacky Knight
(o) Lucy Benson	(hh) Matilda Murray
(p) Jack "Doctor" Benson	(ii) Paddy Black
(q) Crancey	(jj) Hero Black
(r) Jack Tyler	(kk) Tall Boy Keegan
(s) Taylor Matjulum Gibson	(ll) Kitty Keegan
	(mm) Fanny Buugali Williams

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and persons adopted into the families of those persons who identify as, and are accepted as, members of the Barkandji and Malyangapa People in accordance with Barkandji and Malyangapa traditional laws and customs (and the biological descendants of any such adopted persons).

Nature and extent of native title rights and interests

5. Subject to paragraphs 7 and 9, the native title rights and interests in relation to the Exclusive Areas, in respect of which s 47A of the *Native Title Act 1993* (Cth) (“the NTA”) applies, comprise the right of possession, occupation, use and enjoyment to the exclusion of all others.
6. Subject to paragraphs 7 to 9, the native title rights and interests in relation to the Non-Exclusive Areas are:
 - (a) the right to enter, travel over and remain on the Non-Exclusive Areas;
 - (b) the right to take and use the natural resources (other than water) of the Non-Exclusive Areas;
 - (c) the right to take and use the water of the Non-Exclusive Areas for personal, domestic and communal purposes (including cultural purposes and for watering native animals, cattle and other stock, and watering gardens not exceeding 2 hectares), but not extending to a right to control the use and flow of the water in any rivers or lakes which flow through or past or are situate within the land of two or more occupiers;
 - (d) the right to camp and for that purpose to erect temporary shelters and temporary structures in the Non-Exclusive Areas;
 - (e) the right to light fires in the Non-Exclusive Areas for domestic purposes, but not for the clearance of vegetation;
 - (f) the right to engage in cultural activities on the land, to conduct ceremonies, to hold meetings, and to participate in cultural practices relating to birth and death including burials on the land the subject of the Non-Exclusive Areas;
 - (g) the right to have access to, to maintain and to protect from physical harm sites and places of importance in the Non-Exclusive Areas which are of significance to the Barkandji and Malyangapa People under their traditional laws and customs;

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- (h) the right to teach on the Non-Exclusive Areas the physical, cultural and spiritual attributes of places and areas of importance on or in the Non-Exclusive Areas;
- (i) the right to hunt in the Non-Exclusive Areas;
- (j) the right to fish in the Non-Exclusive Areas; and
- (k) the right to be accompanied on the Non-Exclusive Areas by persons who, though not native title holders, are:
 - (i) spouses, partners or parents of native title holders, together with their children and grandchildren;
 - (ii) people whose presence is required under traditional laws and customs for the performance of cultural activities, practices or ceremonies;
 - (iii) people requested by the native title holders to assist in, observe or record cultural activities, practices or ceremonies.

General qualifications on native title rights and interests

7. Native title does not exist in:
 - (a) minerals as defined in the *Mining Act 1992* (NSW) and the Mining Regulation 2010 (NSW); and
 - (b) petroleum as defined in the *Petroleum (Onshore) Act 1991* (NSW) and the *Petroleum (Submerged Lands) Act 1982* (NSW).
8. The native title rights and interests referred to in paragraph 6 do not confer:
 - (a) possession, occupation, use or enjoyment of the Non-Exclusive Areas to the exclusion of all others; or
 - (b) any right to control access to, or use of, the Non-Exclusive Areas.
9. The native title rights and interests in the Determination Area are subject to and exercisable in accordance with:
 - (a) the laws of the State of New South Wales and of the Commonwealth;
 - (b) the traditional laws acknowledged and the traditional customs observed by the Barkandji and Malyangapa People; and
 - (c) the terms of any Indigenous Land Use Agreement which may be registered by the National Native Title Tribunal in respect of any part of the Determination Area whether made before or after the making of this determination.

Nature and extent of Other Interests

- 7 -

10. The other interests in relation to the Determination Area are described in Schedule Seven ('Other Interests').

Relationship between native title rights and Other Interests

11. Except as otherwise provided by law, the relationship between the native title rights and interests in the Non-Exclusive Areas and the Other Interests in those areas is as follows:
- (a) the determination does not affect the validity of those Other Interests;
 - (b) to the extent of any inconsistency between the Other Interests and the continued existence, enjoyment or exercise of the native title rights and interests, the native title rights and interests continue to exist in their entirety, but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency during the currency of the Other Interests; and
 - (c) otherwise, the Other Interests co-exist with the native title rights and interests and, for the avoidance of doubt, the doing of an activity required or permitted under those Other Interests prevails over the native title rights and interests and their exercise, but does not extinguish them.
12. The relationship between the native title rights and interests in the Exclusive Areas (in relation to which s 47A of the NTA applies) and the Other Interests described in item 1(a) of Schedule Seven ('Aboriginal Land Council Interests') is as follows:
- (a) the Aboriginal Land Council Interests continue to have effect;
 - (b) the non-extinguishment principle in s 238 of the NTA applies to the grant or vesting of the Aboriginal Land Council Interests and any prior interest in relation to the area; and
 - (c) the native title continues to exist in its entirety but the rights and interests have no effect in relation to the Aboriginal Land Council Interests.

Definitions

13. In this determination and the associated orders, unless the contrary intention appears:
- 'Barkandji and Malyangapa People'** means the native title holders as described in paragraph 4.
- 'Barkandji Native Title Group Aboriginal Corporation'** means the Barkandji Native Title Group Aboriginal Corporation ICN 4740 incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

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‘Claim Area’ means the land or waters subject to native title determination application NSD 6084 of 1998 (the Barkandji Application). For the removal of doubt, the Claim Area does not include Lake Victoria, Rufus River, Frenchman's Creek, the Murray River, the Darling River from its junction with the Great Darling Anabranh downstream to its junction with the Murray River, the Great Darling Anabranh, or Tuckers Creek from its junction with the Murray River downstream to its junction with the Darling River.

‘cultural purposes’, within the meaning of paragraph 6(c), means the purposes of performing the following activities or activities of a similar kind, all of which involve the use of insubstantial quantities of water:

- cleansing ceremonies;
- introductions to country (in which individuals are immersed in water or water is otherwise applied to them);
- the preparation of food or bush medicines;
- the manufacture of artefacts, art and ochre;
- digging out soakages; and
- activities involving the teaching of native title holders about traditional laws, customs and practices.

‘Determination Area’ means the land or waters described in Schedule One and depicted on the plan in Schedule Two.

‘Excluded Areas’ means the land or waters in respect of which the parties have agreed that no determination of native title is to be made at present being the areas described in Schedule Six and shaded purple on the plan in Schedule Two.

‘Exclusive Areas’ means the land or waters described in Schedule Three and shaded orange on the plan in Schedule Two.

‘Extinguished Areas’ means the land or waters described in Schedule Five and hatched in red on the plan in Schedule Two.

‘naturally occurring water body’ means any naturally occurring:

- (a) body of water (however described) whether perennial or intermittent flowing in a natural channel and any affluent, confluent, branch, tributary or other stream into or from which such water flows; or

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- (b) lake, lagoon, waterhole or other like collection of water (however described) whether permanent or temporary not being a containment of water in or by an artificial work.

‘Non-Exclusive Areas’ means the land or waters described in Schedule Four and shaded green on the plan in Schedule Two.

‘Other Interests’ means the interests described in Schedule Seven.

14. If a word or expression is not defined in the determination or the associated orders, but is defined in the NTA, it has the meaning given to it in the NTA.

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Schedule Four**Description of the Non-Exclusive Areas**

The Non-Exclusive Areas of land or waters, being areas of land or waters not included in the Exclusive Areas or the Extinguished Areas, are the following:

- (a) those areas within the Claim Area and not otherwise described in this Schedule comprising the beds, banks, subsoils and waters of any naturally occurring water body, provided that the underlying land has not been the subject of:
 - (i) a previous exclusive possession act; or
 - (ii) extinguishment at common law.
- (b) The following areas, but not any part of them that is within the Extinguished Areas:

ID	Lot/DP or CADID
3	101/757298
6	1073/757298
15	1463/757298
17	1616/757298
23	2621/757298
25	2625/757298
26	2641/757298
27	2645/757298
28	2649/757298
29	2653/757298
30	2657/757298
32	2660/757298
33	2668/757298
34	2678/757298
36	2689/757298
37	2696/757298
38	2703/757298
39	2707/757298
42	2715/757298
43	2719/757298
44	2723/757298
47	2727/757298
48	2749/757298
49	2753/757298
51	2758/757298

ID	Lot/DP or CADID
52	2762/757298
53	2766/757298
54	2774/757298
55	2778/757298
56	2781/757298
58	1990/757298
60	2850/757298
61	2898/757298
64	2935/757298
65	2939/757298
66	3382/757298
68	2943/757298
69	2947/757298
70	2950/757298
72	2954/757298
73	2964/757298
74	2970/757298
75	3424/757298
77	2083/757298
78	2974/757298
81	2112/757298
83	2136/757298
84	3040/757298
87	2143/757298
88	2147/757298

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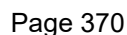
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24545	8/8/758970
24586	5139/730113
5956	90/757463
U1	103207912
U10	103822908
U100	103911714
U103	103899678
U104	103902600
U105	104048508
U106	104048972
U108	104049069
U109	104049112
U11	103829491
U110	104049274
U111	104048311
U112	104048461
U113	104655950
U114	104683337
U115	105131621
U116	105317337
U117	105631745
U118	103825795
U119	103825803
U12	103823182
U120	103835874
U121	103825834
U122	103825841
U123	103825862
U124	103826023
U125	103826094
U126	103826174
U127	103826226
U128	103826292
U129	103826346
U13	103861288
U130	103826428
U131	103826440
U132	103826445
U134	103826465
U135	103826472
U136	103826557
U137	103826568
U138	103826572

ID	Lot/DP or CADID
U139	103826629
U14	103835869
U140	103826635
U141	103825247
U142	103825268
U143	103825272
U144	103825285
U145	103825333
U146	103825348
U147	103825395
U148	103825513
U149	103825693
U15	103835876
U150	103825708
U151	103825712
U152	103890349
U154	103884870
U155	103877213
U156	103886198
U157	103875341
U158	103884356
U159	103899662
U16	103825299
U160	103941628
U161	104049231
U162	104049296
U163	104048209
U164	104048412
U165	104048562
U166	104048717
U167	104048973
U168	104227345
U169	104419429
U17	103825335
U171	104655977
U172	104685045
U173	105286466
U174	105344338
U175	105457038
U176	105683870
U177	105684794
U178	103207911
U179	103432899

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ID	Lot/DP or CADID
U18	103825519
U180	103433325
U181	103485572
U182	103503277
U183	103503387
U184	103505182
U185	103835875
U186	103825313
U187	103825334
U188	103825376
U189	103825684
U19	103825551
U190	103825768
U191	103825827
U192	103825851
U193	103825884
U194	103825888
U195	103825897
U197	103825901
U198	103825906
U199	103825930
U2	103433909
U20	103825710
U200	103825939
U201	103825994
U202	103826005
U203	103826040
U204	103826064
U205	103826089
U206	103826100
U207	103826123
U208	103826177
U209	103826268
U21	103825809
U210	103826288
U211	103826321
U212	103826454
U213	103826467
U214	103826487
U215	103826507
U216	103826515
U217	103826525
U218	103826535

ID	Lot/DP or CADID
U219	103826563
U22	103825843
U220	103872650
U221	103873558
U222	103890346
U223	103890749
U224	103894161
U225	103880061
U226	103899664
U227	103904390
U229	104048978
U23	103825852
U230	104049191
U231	104049219
U232	104049249
U233	104049293
U234	104048413
U235	104048511
U236	104048519
U237	104048974
U238	104655958
U239	104655979
U24	103825881
U240	104683239
U241	104683332
U242	104685024
U243	104686155
U244	104701589
U245	104701622
U246	105622587
U247	105684999
U248	100208636
U251	105706160
U252	100181147
U253	100181407
U254	100209002
U256	105706161
U258	104380975
U259	105703486
U260	105703186
U263	100208797
U265	100209887
U267	104488585



Tag P

9 AUG., 1935.] NEW SOUTH WALES GOVERNMENT GAZETTE No. 144.

3267

11. That for the purposes of this Agreement the expression "serviceable water" wherever in the said Regulations appearing shall mean water of such quality as stock will drink without injurious effects and in the event of any dispute arising as to the quality of the water a sample thereof shall be forwarded free of charge by the Applicant to the Chemist, Department of Agriculture, Sydney, in the said State, whose decision after analysis shall be final and conclusive.

In witness whereof the parties have executed these presents the day and year first before written.

Signed sealed and delivered by the
said.....
in the presence of

Sealed with the Seal of the Water Conservation and Irrigation Commission this twenty-third day of July, 1935.

The Common Seal of the Water Conservation and Irrigation Commission was hereunto affixed by FRANK HALSTEAD BREWSTER, a Deputy Commissioner appointed under the Irrigation Act, 1912, as amended by subsequent Acts, in the presence of H. BEVAN, Secretary.

(L.S.) FRANK H. BREWSTER, Deputy Commissioner.

(35—9,590)

(5272) Water Conservation and Irrigation Commission,
Sydney, 9th August, 1935.

ALTERATION OF DESIGN OF PART OF THE TOWN OF DARETON.

IT is hereby notified, for public information, that, under the provisions of section 23 of the Crown Lands Consolidation Act, 1913, and section 3 of the Irrigation (Amendment) Act, 1916, as amended by section 4 of the Irrigation (Amendment) Act, 1918, the design of part of the town of Dareton is hereby altered by the amendment of boundaries of sections 9 and 11, the closing of part of Wentworth-road, deviation of part of that road, and the exclusion from the town boundaries of the land contained within portions 503 and 504, parish of Mourquong, county of Wentworth, and the land contained within a supply reserve adjoining the south-western and southern boundaries of the said portion 503 and the south-eastern boundary of the said portion 504.

The altered design is shown on plan catalogued 152-64A at the office of the above Commission at Sydney. (W.C. & I.C. 33-13,743; C/C. B. 582-1)

HUGH MAIN, Minister for Agriculture.

(5247) Registrar-General's Department,
Sydney, 7th August, 1935.

IT is hereby notified that, in conformity with the provisions of the Registration of Births, Deaths, and Marriages Act, 1899-1934, the Changes of Residence of the undermentioned Officiating Ministers have been duly registered at this Office on the dates specified:—

CHURCH OF ENGLAND (DIOCESE OF SYDNEY).

No. 2588. Venerable Archdeacon Francis Ernest Haviland, from Rylstone to Austinmer, 31st July, 1935.

No. 4779. Reverend Clifton Plessay Brown, M.A., from Mittagong to St. Aidan's Rectory, 74 Booth-street, Annandale, 31st July, 1935.

No. 29. Venerable Archdeacon William Apedaile Charlton, from Bronte to Diocesan Church House, George-street, Sydney, 6th August, 1935.

No. 6732. Reverend Charles William Hammond, from Drummoyne to 19 Lily-street, Enfield, 6th August, 1935.

No. 5714. Reverend Hugh Alfred Morton, Th.L., from 242 Pitt-street, Sydney, to Yorkshire House, 14 Spring-street, Sydney, 6th August, 1935.

No. 5486. Reverend John Stafford Needham, Hon. Canon, from 242 Pitt-street, Sydney, to Yorkshire House, 14 Spring-street, Sydney, 6th August, 1935.

No. 4017. Reverend Richard Bradley Robinson, L.Th., from Chatswood to Diocesan Church House, George-street, Sydney, 6th August, 1935.

No. 6161. Reverend Maurice Ashbee Warren, Th.L., from 242 Pitt-street, Sydney, to Yorkshire House, 14 Spring-street, Sydney, 6th August, 1935.

ROMAN CATHOLIC CHURCH (ARCHDIOCESE OF SYDNEY).

No. 6472. Reverend William Joseph Fahy, from Parramatta to St. Patrick's Presbytery, Lithgow, 26th July, 1935.

No. 144, 9 AUG., 1935—2.

ROMAN CATHOLIC CHURCH (DIOCESE OF ARMIDALE).

No. 603. Very Reverend Dean John Joseph English, from Moree to Manilla, 1st August, 1935.

CONGREGATIONAL CHURCH (INDEPENDENTS).

No. 6337. Reverend Joan Mary Hore, B.A., from 165 Everton-street, Broadmeadow, to 27 William-street, Tighe's Hill, 1st August, 1935.

R. W. WILLIS, Registrar-General.

(5248) Registrar-General's Department,
Sydney, 7th August, 1935.

IT is hereby notified that, in conformity with the provisions of the Registration of Births, Deaths, and Marriages Act, 1899-1934, the undermentioned Officiating Ministers have been registered at this office, on the dates specified, for the Celebration of Marriages:—

CHURCH OF ENGLAND (DIOCESE OF SYDNEY).

No. 7049. Reverend Walter Montague Corden, Holy Trinity Rectory, Erskineville, 31st July, 1935.

CHURCH OF ENGLAND (DIOCESE OF GRAFTON).

No. 7050. Reverend Frederick Alfred Reid, Casino, 1st August, 1935.

CHRISTIAN SPIRITUALIST CHURCH OF N.S.W.

No. 7048. Mr. John Robert Nicholson, 23 Union-street, Newtown, 26th July, 1935.

R. W. WILLIS, Registrar-General.

NOTICE UNDER REAL PROPERTY ACT.

APPLICATIONS have been made to bring the lands respectively described under the provisions of the Real Property Act. Caveats may be lodged on or before the respective dates mentioned:—

13TH SEPTEMBER, 1935.

No. 25,102. The Victor Motor Company Limited, 1 r. 37½ p., pt. Point Piper Estate, Stafford and William sts., Mun. Woollahra.

No. 32,040. Muriel Walton, 15½ per., pt. lot 4, Friend's Paddock Subn., Great North rd., Five Dock, together with an easement of right-of-way as appurtenant thereto, created by Deed Book 1,315, No. 846.

No. 32,111. H. L. Bussell & Company Limited, 8½ per., includ. Nos. 26, 26½ and 28 Mengher-st., Chippendale.

No. 32,161. Burge Brothers & Company Limited, 2 rds., cor. Oliver and Vivian sts., Inverell.

No. 32,198. Thomas James Robb, 1 r. 12½ p., includ. Nos. 22 and 24 Dover-rd., Mun. Woollahra.

11TH OCTOBER, 1935.

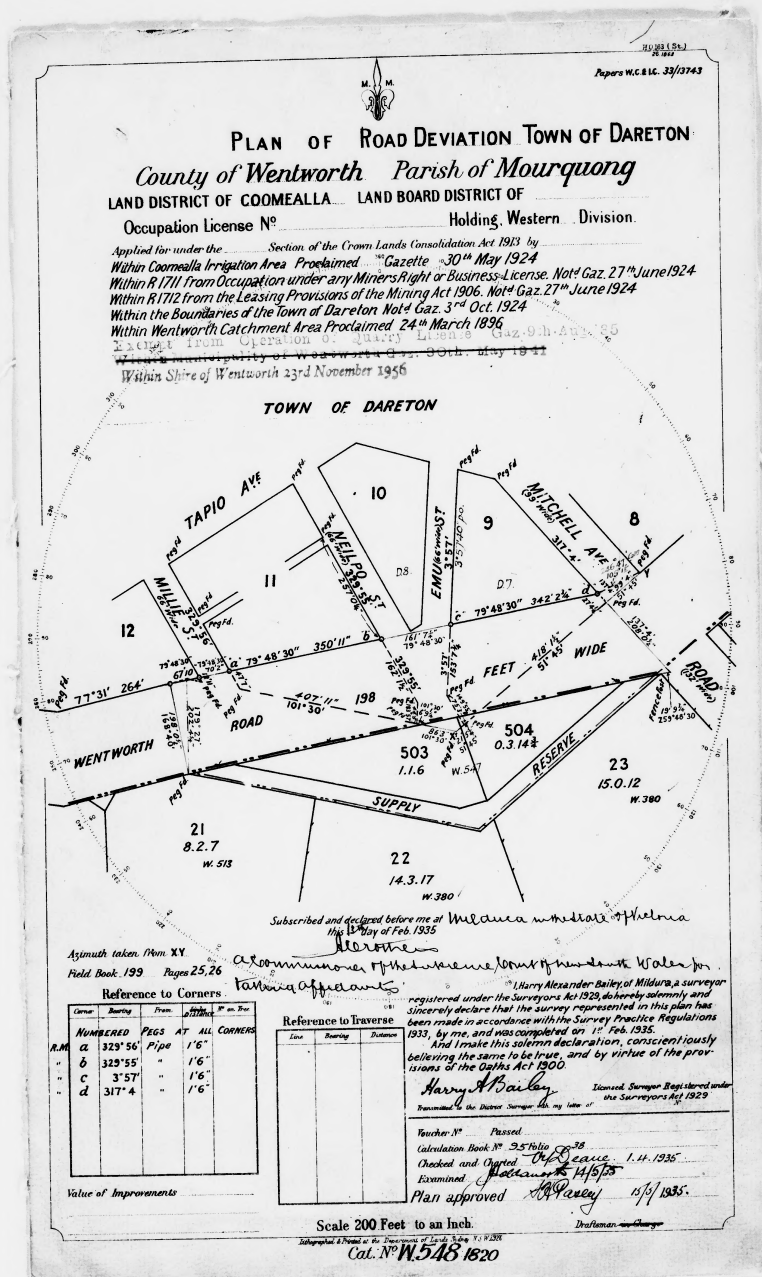
No. 31,993. Hughes' Motor Service Limited, 1 r. 15½ p., in Hargrave-st. and Charlotte, College and Hargrave lanes, City of Sydney.

Diagrams delineating these lands may be inspected at the Land Titles Office, Sydney.

R. W. WILLIS, Registrar General.

9th August, 1935.

(5267)



This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 4th May, 1987



AMENDMENTS AND/OR ADDITIONS MADE ON PLAN IN THE LAND TITLES OFFICE.

"THIS PLAN MAY BE SUITABLE FOR VIEWING ONLY"
DO NOT PRINT



Tag R

2175

Department of Public Works,
Sydney, 29th October, 1860.

TO FENCERS AND OTHERS.

FENCING CEMETERY, PARRAMATTA.

TENDERS will be received at this Office, until 12 o'clock, on Tuesday, the 27th November next, from persons willing to Contract for the erection of about 400 rods of three-railed fencing to enclose the land appropriated for a Public Cemetery, at Parramatta.

Tenders to be endorsed, "*Tender for Fencing Cemetery, Parramatta.*"

Specification, and form of Tender may be seen, and further particulars obtained at the Colonial Architect's Office, Sydney.

Tenders must state the time within which it is proposed to complete the work; and at the foot of every Tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the Contract in the event of the Tender being accepted, and undertaking in that event, that they will severally execute and deliver, at the Office of the Crown Solicitor in Sydney, within seven days from the usual notification of acceptance, a Bond to Her Majesty in the penal sum of £100 for securing such performance, otherwise the Tender will not be taken into consideration.

W. M. ARNOLD.

Department of Public Works,
Sydney, 29th October, 1860.

TO CONTRACTORS AND OTHERS.

JETTY AT BATEMAN'S BAY.

FRESH TENDERS will be received at this Office, until noon, on Tuesday, the 27th November next, from persons willing to Contract for the construction of a Jetty at Bateman's Bay.

Tenders to be endorsed "*Tender for Jetty, Bateman's Bay.*"

Plan, Specification, and form of Tender may be seen, and further particulars obtained, at the Office of the Engineer-in-Chief for Harbors and Rivers, 33, Hunter-street, Sydney, or at the Police Office, Moruya.

Tenders must state the time within which it is proposed to complete the work, and at the foot of every Tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the Contract, in the event of the Tender being accepted, and undertaking in that event, that they will severally execute and deliver, at the Office of the Crown Solicitor, in Sydney, within seven days from the usual notification of acceptance, a Bond to Her Majesty in the penal sum of £100 for securing such performance, otherwise the Tender will not be taken into consideration.

W. M. ARNOLD.

Surveyor General's Office,
Sydney, 9th November, 1860.

TO CONTRACTORS AND OTHERS.

FORMATION OF HAMILTON-STREET.

TENDERS will be received at this Office, until noon, of Tuesday, the 20th instant, from persons willing to contract for the formation of Hamilton-street, from Hunter-street to Bridge-street, and of Hutchinson-street, from Pitt-street to Hamilton-street.

Tenders to be endorsed "*Tender for formation of Hamilton-street.*"

Plan and specification may be seen, and further particulars obtained at this Office.

At the foot of every Tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the Contract, in case of the Tender being accepted, and

undertaking that, in that event, that they will severally execute and deliver at the Office of the Crown Solicitor, in Sydney, within five days from the usual notification of acceptance, a Bond to Her Majesty in the penal sum of £100 for securing such performance, otherwise the Tender will not be taken into consideration.

A. G. McLEAN,
Acting Surveyor General.

Crown Lands Office,
Sydney, 8th November, 1860.

INDEFEASIBLE RESERVES.

IT is hereby notified, for general information, that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to direct that the lands hereinafter described shall be reserved for public purposes, in accordance with the provisions contained in the 8th and 9th Sections of Chapter II. of Her Majesty's Order in Council of 9th March, 1847, and excluded from the Leases of the Pastoral Runs of which they form portions.

2. No pre-emptive rights will be admitted in respect of these lands, save to such allotments as may be found actually to contain improvements effected by the licensed occupants, previously to the date of this notice, and of a value exceeding the minimum upset price of the lands in an unimproved state.

3. The allotments, if any, containing valuable improvements, will be leased to the licensed occupants for one year, in accordance with the terms of the Order in Council of 19th June, 1850; and during the currency of the leases, the lessees will be permitted to secure the fee simple of their improvements, by purchase, under the right of pre-emption, at the usual upset price, viz., for Town allotments, £8 per acre; and Suburban allotments £4 per acre, unless assessed at a higher value.

A. ORPEN MORIARTY,
Chief Commissioner of Crown Lands.

Description of the extended Tumbarumba Reserve, at Tumbarumba, District of Murrumbidgee, containing about 24½ square miles.

Commencing on the left bank of Tumbarumba Creek, at a point bearing north, and distant 40 chains from the north boundary line of the Reserve (No. 38) as proclaimed 11th March, 1852; and bounded thence on part of the north by a line bearing east 1 mile and 24 chains; on the east by a line bearing south 2½ miles; on the south-east by a line bearing south 55 degrees west 4 miles (crossing Tumbarumba and Mannus Creeks); on the south-west by a line bearing north 50½ degrees west 4½ miles (crossing Munderoo Creek); on the west by a line bearing north, 2 miles and 32 chains; and on the remainder of the north by a line bearing east (crossing Mannus and Tumbarumba Creeks) to the point of commencement.

NOTE.—This description embraces the existing Tumbarumba Reserve, as proclaimed on 11th March, 1852, and includes parts of Messrs. P. Craven and J. M'Auliffe's, Glenroy Run, T. H. Mate's, Tumbarumba Run, and Henry Burchett's, Mannus Run.

Description of the extension to the Mulyan Reserve, at Mulyan, in the District of Lachlan, containing about 2½ sections.

Commencing at the south-east corner of the Mulyan Reserve, as proclaimed on the 25th October, 1852; and bounded thence on part of the west by the southerly prolongation of the eastern boundary line of that reserve, 48 chains; on the south by a line bearing east to the left bank of the Lachlan River; on the east and north-east by that river, downwards, to the north-east corner of the Mulyan reserve aforesaid; and on the remainder of the west by the east boundary line of that Reserve, southerly, to the point of commencement.

NOTE.—This extension embraces a portion of Henry Fulton's, now George Campbell's, Cowra Rocks Run.

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Description of Balranald Reserve, at Caiera, on the Murrumbidgee River, in the Darling and Murrumbidgee Districts, containing 16 square miles.

Commencing on the right bank of the Murrumbidgee River, at a point bearing north 51 degrees 30 minutes east, and distant about 3 miles and 30 chains from the confluence of Yangar Creek with that river; and bounded thence on the north by a line bearing west 6 miles and 40 chains; on the west by a line bearing south to the Murrumbidgee River; thence on the south by that river, upwards to a point on its left bank, bearing due west from the confluence of the eastern and western branches of Yangar Creek; thence by a line bearing east to that confluence; on the east by the western branch of Yangar Creek, downwards, to its confluence with the Murrumbidgee River, and by that river, upwards, to the point of commencement.

NOTE.—The portion of this reserve on the right bank of the Murrumbidgee River, is situated in the Darling District, and includes the Town of Balranald. The remaining portion of the reserve, on the left bank of the river, is situated in the District of Murrumbidgee.

Description of the Euston Reserve, at Nowong, Murray River, in the Darling District, containing 12 square miles.

Commencing at the north-east corner, on the right bank of the Murray River, at a point bearing north 27 degrees east, and distant 18 chains from the north-east corner of Nowong Old Hut; and bounded thence on the north by a line bearing west 4 miles and 27 chains, crossing the Adelaide inside and outside roads; on the west by a line bearing south 4 miles crossing the Adelaide road; on the south by a line bearing east 2 miles 2 chains and 55 links to the Murray River; and on the east by that river, upwards, to the point of commencement.

This description embraces the Village of Euston.

Description of Wentworth Reserve, at the confluence of the Rivers Darling and Murray, in the Darling District, containing 25 square miles.

Commencing at the south-west corner, on the right bank of the Murray River, being a point bearing south 38 degrees west, and distant 2 chains and 22 links from the confluence of Thegoa Creek with the said River, and 1 mile and 36 chains below the confluence of the Darling and Murray Rivers; and bounded thence on the west by a line bearing north 2 miles and 60 chains, crossing Thegoa Creek twice, and the Adelaide Road; on the north by a line bearing east 46 chains and 75 links to the Darling River, thence by that river downwards 2 miles and 23 chains to a gum tree marked 2, on the left bank thereof, and thence by a line forming the easterly prolongation of the last mentioned line, bearing east 7 miles and 76 chains, crossing Tchilltanleura Creek twice, and the Adelaide outside road; on the east by a line bearing south 2 miles and 31 chains and 65 links, crossing the Adelaide road to the Murray River, and on the south by the Murray River downwards, to the point of commencement.

NOTE.—This description embraces the Towns of Wentworth and Mourguong.

Description of Moorna Reserve, on the Murray River, in the Darling District, containing 11 square miles.

Commencing on the right bank of the Murray River, at a point bearing south 36 degrees 30 minutes west, and distant 2 miles and 34 chains from Bagot's Station Hut, Moorano; and bounded thence on the west by a line bearing north 5 miles; on the north by a line bearing east 4 miles; on the east by a line bearing south to the Murray River; and on the south-east by that river downwards, to the point of commencement.

NOTE.—This description includes the Village of Moorna.

Description of the Menindee Reserve, at the confluence of the Menindee Creek with the River Darling, in the Darling District, containing 16 square miles.

Commencing on the left bank of the River Darling, at a point bearing southerly, and distant 1 mile and 60 chains from the confluence of the Menindee Creek with the River Darling; and bounded thence on part of the south by a line bearing east 3 miles and 24 chains; on the east by a line bearing north 3 miles, crossing the River Darling; on the north by a line bearing west 5 miles; on the west by a line bearing south 3 miles; and on the remainder of the south by a line bearing east, crossing the River Darling, to the point of commencement.

Description of the Oxley Reserve, at Towpruck, on the Lachlan River, in the Lachlan District, containing 25 square miles.

Commencing at the south-east corner on the right bank of the Lachlan River, at a gum tree marked 1, bearing north 4 degrees west, and distant 15 chains and 34 links from the north-west corner of Tooralbonng Hut; and bounded thence on the east by a line bearing north 4 miles and 34 chains, crossing the inside and outside roads from Melbourne and Adelaide to Bathurst and Sydney, and also crossing Buckonyong Creek; on the north by a line bearing west 5 miles and 40 chains, crossing a branch of Buckonyong Creek at Merryman; on the west by a line bearing south 6 miles and 34 chains, crossing the road from Melbourne and Adelaide to Bathurst and Sydney; and on the south by a line bearing east 63 chains and 25 links to the Lachlan River, and by that river, upwards, to the point of commencement.

This description embraces the Town of Oxley.

Description of the extension (westerly) of the Tamworth Reserve, at Tamworth, in the District of Liverpool Plains, containing about 600 acres.

Commencing on the Peel River, at the south-west corner of the reserve as proclaimed on the 9th March, 1858; and bounded thence on the east by the western boundary of that reserve, northerly, to its north-west corner; on the north by the westerly prolongation of the northern boundary of that reserve, to a point distant 1 mile east from the eastern boundary line of the Woolmol Reserve; on the west by the east boundary of George Jenkins' 612 acres southerly, to the Peel River; and on the south by the Peel River, upwards, to the point of commencement.

This extension embraces a portion of George Jenkins' Woolmol Run.

NOTICE OF HEARING.

NOTICE is hereby given, that the following claim for a Deed of Grant will be ready for examination by the Commissioners appointed for that purpose under the Act of Council, 5th William IV., No. 21, at the expiration of two months from this date, before which day any caveat or counter-claim must be entered at this Office. Due notice will be given of the days appointed for hearing.

Case No. 1430. Henry Coulson.

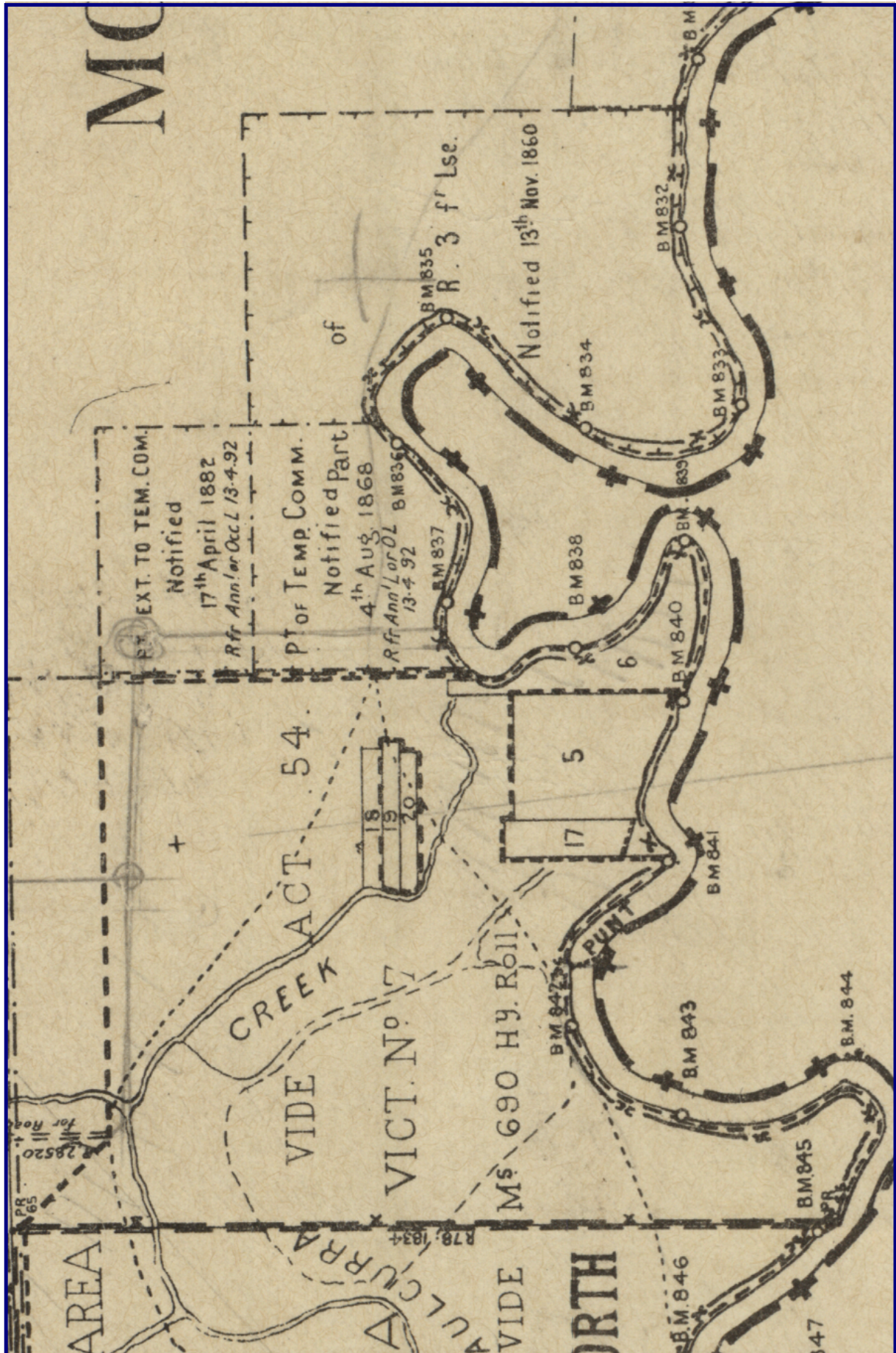
400 acres, County of Northumberland, Parish of Rothbury, on Black Creek, bounded on the north by a line from the north-west corner, bearing east eleven chains sixty links to the Black Creek; on the east by the Black Creek and by a line bearing south six chains; on the south by a line bearing west sixty chains, north ten chains, and west forty chains; and on the west by a line bearing north eighty chains to the north-west corner aforesaid.

The above land was promised by Sir Thomas Brisbane to be granted to Henry Coulson, (since deceased,) the father of the claimant, on the 26th August, 1824; and a grant thereof is now claimed by the above-named Henry Coulson, as the eldest son and heir-at-law of the said Henry Coulson, deceased.

By direction of the Commissioners,
W. G. PENNINGTON,
Secretary.

Court of Claims,
14th September, 1860.

Extract from the historical parish map, County of Wentworth, 1910



9.11 GENERIC PLAN OF MANAGEMENT - PUBLIC HEARING REPORT

File Number: RPT/26/271

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Hilary Dye - Property and Land Tenure Officer

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

Strategy: 3.2 Our public assets are well maintained and able to meet the growing population demands

Summary

Wentworth Shire Council by resolution adopted the draft Generic Plan of Management in July 2022 (RPT/21/694) and resolved to apply to the former Department of Planning, Industry and Environment for Minister consent to undertake community consultation / public hearing requirements under Section 40A of the *Local Government Act 1993*.

Recommendation

That Council:

- 1) Notes the submissions received and the outcomes of the Public Hearing Report regarding the draft Wentworth Shire Council Generic Plan of Management Public Hearing held on 22 April 2026.
- 2) Adopts the Public Hearing Report and the recommendations to categorise Council-owned community land as General Community Use.
- 3) Delegates authority to the General Manger or his delegate to make amendments and changes as required.
- 4) Authorises the General Manager to provide notice of the Generic draft Plan of Management to the NSW Department of Planning, Housing and Infrastructure – Crown Lands seeking Minster's consent to adopt Wentworth Shire Council's Generic Plan of Management.

Detailed Report

Purpose

The purpose of this report is to provide a record to the Wentworth Shire Council of the verbal and written submissions made in relation to a public hearing held on Wednesday 22 April 2026 regarding the proposed categorisation of six parcels of Council owned community land included in the draft Generic Plan of Management 2026 - 2031.

Background

The Department of Planning, Housing and Infrastructure provided consent for Council to place the draft Generic Plan of Management on public exhibition. The public notification period commenced on 4 April 2026, comprised of 28 calendar days of exhibition and a further 14 calendar days for receipt of comments and submissions (a period no less than 42 days), ending on 18 May 2026.

During that period a public hearing was held on the 22 April and chaired by an independent chairperson (Sandy Hoy from Parkland Planners), in accordance with the requirements of Sections 40(A) and 47(G) of the *Local Government Act 1993*, as the Plan of Management proposed to assign a category (for the first time) to Council-owned community land.

This allows the community to be involved and represented in the contents of the draft Plan of Management.

Categorisation of Crown reserves are exempt from public hearings under clause 70A of the *Crown Land Management Regulation 2018*, so the public hearing dealt only with Council-owned community land.

As set out in the draft Plan of Management, there are six parcels of land classified as community land under the *Local Government Act 1993*, which are owned by the Wentworth Shire Council. Council is proposing to categorise the following six parcels as General Community Use:

- Midway Centre Carpark, Buronga
- Midway Centre, Buronga proposed to be categorised
- George Gordon Reserve (Second Oval), Dareton
- Wentworth Civic Centre, Wentworth
- Wilkinson Hall, Gol Gol

Guidelines and core objectives for community land categorised as General Community Use.

Category	Guidelines <i>LG(General) Regs 2021</i>	Core objectives <i>Local Government Act 1993 – section 36I</i>
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	Promote, encourage and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:
		Public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.
		Purposes for which a licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Once the public exhibition period ended, the chairperson provided Council with a written report, which included any recommendations from the public hearing, along with any submission made during the public exhibition period.

Matters under consideration

The submissions comprised of verbal submissions made at the public hearing held on Wednesday 22 April 2026. No written submissions were received by Council resulting from the public exhibition of the Draft Plan of Management.

Legal, strategic, financial or policy implications

An independent chairperson conducts the public hearing and provides a report to Council with recommendations on the proposed recategorisation of community land.

Under Section 47G of the *Local Government Act 1993*, the person presiding at a public hearing must not be:

- A Councillor or employee of the Council holding the public hearing.
- A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

Within 4 days of Council receiving the public hearing report on 27 May 2026, the report must be publicly available. On the 28 May 2026, the report was uploaded to Councils website, hardcopies available at both of Councils offices in Wentworth and Buronga and electronic copies were emailed to those who attended the public hearing.

If Council decides to alter the proposed categorisation/recategorisation from those considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

Conclusion

Based on the representations to the public hearing held on 22 April 2026, the chairpersons' recommendations to Wentworth Shire Council are to:

- Note the public submissions and Council's responses outlined in Section 5 of the report.
- Adopt the proposed categorisation of the six Council-owned sites as set out in the draft Plan of Management and considered at the public hearing as General Community Use, because there is no compelling reason to change the proposed categorisation of General Community Use.

Attachments

1. RPT 21 694 Ministers consent to adopt and place Draft Plan of Management on Public Exhibition - Ordinary Council 20 July 2022 [↓](#)
2. Public Hearing Submissions Report Final 27 May 2026 [↓](#)
3. Power Point Presentation for WSC Draft PoM - Public Hearing 22 April 2026 [↓](#)

ORDINARY MEETING AGENDA

20 JULY 2022

9.9 Minister's consent to adopt and place Draft Plan of Management on Public Exhibition

File Number: RPT/21/694

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 desirable Shire to visit, live, work and invest

Strategy: 2.5 Maintain/create desirable open spaces and recreation facilities

Summary

Council is required to refer draft Community Land Plans of Management to land-owners prior to public exhibition.

Council must also seek the written consent of the Minister for Crown Lands for the adoption of Plans of Management for council-managed Crown land.

All community land managed by a council and used by the community must have a Plan of Management in place under the *Crown Land Management Act 2016* and the *Local Government Act 1993*. Plans of Management ensure that Crown land is lawfully used and occupied, which is an essential part of the role of all council managers in managing Crown reserves.

Council has prepared a draft Plan of Management for the consideration of Council prior to referring it to the Minister of the Department of Planning, Industry and Environment - Crown Lands.

Minister's consent can be requested to adopt the Plan of Management at the same time as landowner notification.

Recommendation

That Council:

- 1) Considers the Native Title Manager advice and endorses the draft Plan of Management.
- 2) Provides the draft Plan of Management to the Department of Planning, Industry and Environment – Crown Lands seeking authority to undertake community consultation requirements.
- 3) Endorses the draft Plan of Management for community consultation for a period of 42 days (28 days of exhibition and a further 14 days for receipt of comments and submissions), in accordance with the public exhibition requirements of the Local Government Act
- 4) Following Minister's consent under clause 70B of the *Crown Land Management Regulation 2018*, the Council resolution should note the Plan of Management is adopted, pursuant to section 40 of the *Local Government Act 1993* in accordance with 3.23(6) of the *Crown Land Management Act*.
- 5) Authorises the appropriate Wentworth Shire Council Officer to notify the department as the landowner for consent to public exhibit the draft Plan of Management, using the appropriate Crown Lands Written Notification of Plans of Management form.

ORDINARY MEETING AGENDA**20 JULY 2022**

- 6) Applies for Ministers written consent to adopt the Plan of Management at the same time as notifying the landowner of the draft plan.

Detailed Report**Purpose**

The purpose of this report is to provide the Councilors' an opportunity to review the draft Plan of Management, consider (accredited) Native Title Manager advice on the draft Plan of Management, and gain Council's endorsement to apply to the Minister of Crown Lands to public exhibit the draft Plan of Management and seek approval to adopt the Plan of Management once the public exhibition period ends.

Background

The introduction of the *Crown Lands Management Act 2016*, removed the requirement for Local Government Trust Managers to manage Crown Reserves under the *Crown Lands Act 1989* separate to *Local Government Act 1993*.

Councils became Crown Land Managers (Council Managers) of the former reserves which became Community Land under the *Local Government Act 1993*. A transition period was legislated the enable new Plans of Management to be developed under this Act.

All community land managed by Council and used by the community must have a Plan of Management in place under the *Crown Land Management Act 2016* and the *Local Government Act 1993*. This is a statutory instrument that provides strategic planning and governance for the lawful management and use of the land.

Legislation required Council to prepare and adopt a Plan of Management for Crown reserve community lands by 1 July 2021. Changes came into effect on 4 June 2021, providing councils an exemption to complete the Plans of Management by 1 July 2023 and removed the requirement to hold a public hearing under section 40A of the Local Government Act.

Plan of Managements set out objectives and performance targets for community land and provide for active land management and use, including issuing of tenures over the land.

Through the State Government's Plans of Management Funding Support Program, Council engaged CGM Planning and Development (Consultants) to assist with the development the Plan of Management to the final draft stage.

Council must obtain Native Title Manager advice for the draft Plan of Management. The advice must consider whether the submission or adoption of Plan of Management is a valid act under the *Native Title Act 1993 (Commonwealth)*. Council must also ensure that all activities on the reserve are consistent with the reserve purpose.

Before adoption of the draft Plan of Management, Council must apply to the department as the landowner, seeking authorisation to place the draft Plan of Management on public exhibition, providing opportunities for the community to comment. This allows the community to be involved and represented in the contents of a Plan of Management. Minister's written consent to adopt the draft Plan of Management can be sought at the same time.

Following public exhibition and once all submissions are received, Council may decide to amend the draft plan or to adopt it without any amendments. If there are any changes Council must then again seek Minister's written consent to adopt the Plan of Management.

Matters under consideration

In accordance with the requirements of Section 39 of the Local Government Act 1993, Council must forward a copy of the draft plan to the person who owns or controls the land if the land is not owned by Council and must include in the draft plan any provisions that may properly be required by the person who owns or controls the land.

ORDINARY MEETING AGENDA**20 JULY 2022**

Council must notify the Crown Lands agency as representative of the owner of the land, seeking Ministers authorisation to place the draft Plan of Management on public exhibition. Public notification comprises 28 calendar days of exhibition and a further 14 calendar days for receipt of comments and submissions (a period no less than 42 days).

The draft Plan of Management has been prepared with a high level of local knowledge and input whilst ensuring that the relevant Acts, Regulations and directions are considered. The strategic element was prepared in conjunction with and with consideration to the local community via Council Officers. Included are six (6) portions of Council-owned community land to comprehensively plan, and meet the requirements of the *Local Government Act 1993*, for both types of 'community land'.

The Plan of Management will support the Integrated Planning and Reporting Framework.

The remaining steps are:

1. Authorisation from Department of Planning, Industry and Environment – Crown Lands;
2. Public exhibition of the draft Plan of Management;
3. Council consideration of submissions received;
 - a. amend the draft plan or
 - b. adopt it without any amendments
4. Adoption of the final Plan of Management.

Council is required to refer the draft Plan of Management using a Crown Lands form that identifies where Community Land categories have been altered from Council's initial assignment of categories over the Crown reserves.

The alterations to Council's initial assignment of Community Land categories 21 October 2020 have been made in the draft Plan of Management in accordance with Crown Lands policies and the Local Government (General) Regulation 2021 - Part 4, Division 1 Guidelines for the categorisation of community land.

Legal, strategic, financial or policy implications

This report is compliant with the requirements of the *Crown Lands Management Act 2016* and the *Local Government Act 1993*.

Conclusion

Having consideration for the content of this report, the proposed endorsement by Council will assist the completion of the Plan of Management in a timely and compliant manner.

Attachments

1. Generic DRAFT Plan of Management
2. Native Title Manager Advice

PROPOSED CATEGORISATION OF COMMUNITY LAND IN WENTWORTH SHIRE

PUBLIC HEARING AND SUBMISSIONS REPORT

FINAL REPORT

27 MAY 2026



WENTWORTH SHIRE COUNCIL

PROPOSED CATEGORISATION OF
COMMUNITY LAND IN WENTWORTH SHIRE
PUBLIC HEARING AND SUBMISSIONS REPORT

FINAL REPORT

27 MAY 2026

Parkland Planners

ABN: 33 114 513 647

PO Box 41
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1 INTRODUCTION

1.1 Purpose of this report

The purpose of this report is to convey to Wentworth Shire Council the verbal and written submissions made in relation to a public hearing held on Wednesday 22 April 2026 regarding the proposed categorisation of six parcels of community land included in the Draft Generic Plan of Management 2026-2031 (Wentworth Shire Council, 2026).

This report has been prepared under Section 40A of the *Local Government Act 1993*.

1.2 Background to the public hearing

Wentworth Shire Council has prepared the Draft Generic Plan of Management 2026-2031 (referred to in this report as the 'Draft Plan of Management') under the *Local Government Act 1993* and the *Crown Land Management Act 2016*.

The land comprising the sportsgrounds, parks and general community use land included in the Draft Plan of Management is public land owned by Council or by the Crown, and as such is classified as community land under the *Local Government Act 1993*. Community land is required to be categorised under the Local Government Act as either Natural Area, Park, Sportsground, Area of Cultural Significance, or General Community Use.

The Draft Plan of Management sets out the proposed categorisation or recategorisation of community and Crown land parcels in Wentworth Shire to Sportsground, Park or General Community Use.

The *Local Government Act 1993* requires public exhibition of proposals to amend a Plan of Management (including categorisation) for a period of at least 28 days with a period of not less than 42 days for lodgement of submissions. Public exhibition of the Draft Plan of Management and receipt of any written submissions took place from Saturday 4 April 2026 to Monday 18 May 2026.

As set out in the Draft Plan of Management, Council is proposing to categorise the following six parcels of Council-owned community land as General Community Use:

- ☐ Midway Centre Carpark, Buronga
- ☐ Midway Centre, Buronga
- ☐ George Gordon Reserve (Second Oval), Dareton
- ☐ Wentworth Civic Centre, Wentworth
- ☐ Wilkinson Hall, Gol Gol
- ☐ Little Manly, Curlwaa.

A public hearing was required under Section 40A of the *Local Government Act 1993* to receive community submissions about categorising those parcels of community land. Under the Act the public hearing must be chaired by an independent facilitator.

Categorisation of Crown reserves is exempt from public hearings under Clause 70A of the *Crown Land Management Regulation 2018*, so the public hearing dealt only with Council-owned community land.

The outcomes of both the public exhibition process and public hearing will be reported back to Council for determination of the proposed categorisations and other amendments to the Draft Plan of Management.

If the proposed categorisations are approved by Council, the Draft Plan of Management would be amended to reflect those categorisations.

1.3 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of community land, and submissions regarding the proposed categorisations of Council-owned general community use land included in the Draft Plan of Management.

The submissions comprise verbal submissions made at the public hearing held on Wednesday 22 April 2026. No written submissions were received by Council resulting from the public exhibition of the Draft Plan of Management.

2 PLANNING CONTEXT

2.1 Community and Crown land

The *Local Government Act 1993* and *Crown Land Management Act 2016* set out a range of requirements that Wentworth Shire Council is legally bound to adhere to in managing community land owned by Wentworth Shire Council and Crown land for which Council is Crown Land Manager.

The six parcels of community land proposed to be categorised are owned or managed by Wentworth Shire Council, and are classified as community land under the *Local Government Act 1993*.

Figure 1 Classification and categorisation of community and Crown land



The *Local Government Act* requires that all land owned by Council must be classified as "community" or "operational" land (Section 26).

Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes Council deems fit, may be used for commercial purposes, be leased for a longer period, and can be sold.

2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

As shown in Figure 1, community land may be categorised as one or more of the following under Section 36(4):

- ☐ a natural area.
- ☐ a sportsground.
- ☐ a park.
- ☐ an area of cultural significance.
- ☐ general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland
- ☐ wetland
- ☐ escarpment
- ☐ watercourse
- ☐ foreshore
- ☐ a category prescribed by the regulations.

The Draft Generic Plan of Management includes community land which is or is proposed to be categorised as either Sportsground, Park or General Community Use.

This report is concerned with the six parcels of Council-owned community land proposed to be categorised as General Community Use.

2.3 What are the guidelines for categorising community land?

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2021*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."

2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*.

2.5 Guidelines and core objectives for categorisation

The guidelines and core objectives for the proposed General Community Use category of community land included in the Draft Plan of Management are in Table 1.

Table 1 Guidelines and core objectives for proposed categories of community land

Category	Guidelines ¹	Core objectives ²
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	☐ promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

1 *Local Government (General) Regulation 2021*

2 *Local Government Act 1993*

2.6 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)).

Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Among the requirements of the Local Government Act for the contents of a Plan of Management for community land are:

- ☐ categorisation of the land
- ☐ core objectives for management of the particular category of community land.

2.7 Public hearings

2.8.1 Why hold a public hearing?

A public hearing is required under Section 40A of the *Local Government Act 1993* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not previously been prepared and adopted by Council, or has not categorised community land) the public land covered by the Plan of Management
- ☐ a Plan of Management proposes to re-categorise (change the adopted category) the public land covered by the Plan of Management.

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

2.8.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed recategorisation of community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

2.8.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than 4 days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers adopting the Generic Plan of Management, and the proposed categorisation of the Council-owned community land included in the plan.

3 PROPOSALS FOR CATEGORISATION

The parcels of Council-owned community land included in the Draft Plan of Management and which are proposed to be categorised as General Community Use are shown below.

3.1 Midway Centre Carpark, Buronga

Table 2 Midway Centre Carpark, Buronga

Midway Centre Carpark	
Address	3 Midway Drive, Buronga NSW 2739
Lot/DP	Lot 1 DP 873390
Proposed categorisation	General Community Use
Reasons for proposed categorisation	A carpark used by the community while visiting the Midway Centre, Buronga Library or Wentworth Shire Council Offices

Figure 2 Midway Centre Carpark, Buronga



3.2 Midway Centre, Buronga

Table 3 Midway Centre, Buronga

Midway Centre, Buronga	
Address	3 Midway Drive, Buronga NSW 2739
Lot/DP	Lot 2 DP 873390
Proposed categorisation	General Community Use
Reasons for proposed categorisation	Wentworth Shire Offices and Library, public community centre with multiple licenced users that occupy rooms and basketball courts, public hire facility, Local Members Office and Service NSW.

Figure 3 Midway Centre, Buronga





3.3 George Gordon Reserve (Second Oval), Dareton

Table 4 George Gordon Reserve (Second Oval), Dareton

George Gordon Reserve (Second Oval), Dareton	
Address	Oleander Drive, Dareton NSW 2717 (Adjacent to George Gordon Oval Reserve 61503)
Lot/DP	Lot 654 DP 1300066
Proposed categorisation	General Community Use
Reasons for proposed categorisation	Reserve User Group in place with annual licence holders, public recreational sporting arena, available for public hire and sporting events.

Figure 4 George Gordon Reserve (Second Oval), Dareton





3.4 Wentworth Civic Centre, Wentworth

Table 5 Wentworth Civic Centre

Wentworth Civic Centre	
Address	61 Darling Street, Wentworth NSW 2648
Lot/DP	Lot 6 SP 85315
Proposed categorisation	General Community Use
Reasons for proposed categorisation	Wentworth Shire Offices, Council Chambers, Wentworth Public Library, Visitor information Centre, local Historical Society, public facility to hire and a Café.

Figure 5 Wentworth Civic Centre



3.5 Wilkinson Hall, Gol Gol

Table 6 Wilkinson Hall, Gol Gol

Wilkinson Hall, Gol Gol	
Address	15 William Street, Gol Gol NSW 2738
Lot/DP	Lot 4 DP 29258
Proposed categorisation	General Community Use
Reasons for proposed categorisation	The facility is leased exclusively by the Midura Vintage Vehicle Club.

Figure 6 Wilkinson Hall, Gol Gol



3.6 Little Manly, Curlwaa

Table 7 Little Manly, Curlwaa

Little Manly, Curlwaa	
Address	Little Manly Lane, Curlwaa NSW 2648
Lot/DP	Lot 3 DP 807829
Proposed categorisation	General Community Use
Reasons for proposed categorisation	Riverfront recreational reserve used by the general public for camping, boating, fishing, walking and bird watching etc

Figure 7 Little Manly, Curlwaa



4 THE PUBLIC HEARING

4.1 Advertising and notification

4.1.1 Public notification and exhibition requirements

Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

4.1.2 Notification of public exhibition and public hearing

Council notified the community about the public exhibition of the Draft Plan of Management and the public hearing in the following ways:

Council's website

The public notice at <https://www.wentworth.nsw.gov.au/draft-generic-plan-of-management/> is in Figure 8.

Figure 8 Public hearing information on Council's website

P: (03) 5027 5027 | E: council@wentworth.nsw.gov.au

Wentworth SHIRE COUNCIL

Community Council Health & Environment Infrastructure Planning & Development

Draft Generic Plan of Management

You are here: Home / Frontpage Article / Draft Generic Plan of Management

PUBLIC NOTICE

Council's Draft Generic Plan of Management is being placed on public exhibition in accordance with s. 38 of the Local Government Act 1993, from the 4 April 2026 to the 18 May 2026.

Submissions from the public are invited and will be received until close of business on 18 May 2026.

All submissions are to be made in writing and addressed to:

General Manager
Wentworth Shire Council
By email: council@wentworth.nsw.gov.au
By post: PO Box 81, Wentworth NSW 2648

The Draft Generic Plan of Management can be viewed below or in person at Council's offices situated at 61 Darling Street, Wentworth NSW 2648 and the Midway Centre, 3 Midway Drive, Buronga NSW 2739.

Please note that any submission may be included in the Council business paper for consideration at an Ordinary Meeting of Council.

A Public Hearing, as required by s.40A the Local Government Act 1993, will be held on 22 April 2026, at the Wentworth Shire Council offices situated at 61 Darling Street, Wentworth NSW 2648, commencing at 6pm. All members of the public are invited to attend.

For further information, contact Hilary Dye or Allan Graham on (03) 5027 5027, Monday to Friday, during business hours.

Draft Policy

[Download a copy of the Draft Generic Plan of Management \(PDF\)](#)

LATEST NEWS

- Buronga Gol Gol Structure Plan 2026 Partial Review
- Night Works – George Chaffey Bridge
- Community Notice: EnergyConnect Scheduled Maintenance
- 2026 Farrer By-election: Information for Wentworth Shire Residents

PUBLIC EXHIBITIONS

- Buronga Gol Gol Structure Plan 2026 Partial Review
- Draft Mobile Food Vendor Policy Review
- Notice of Public Exhibition – Classification of Land

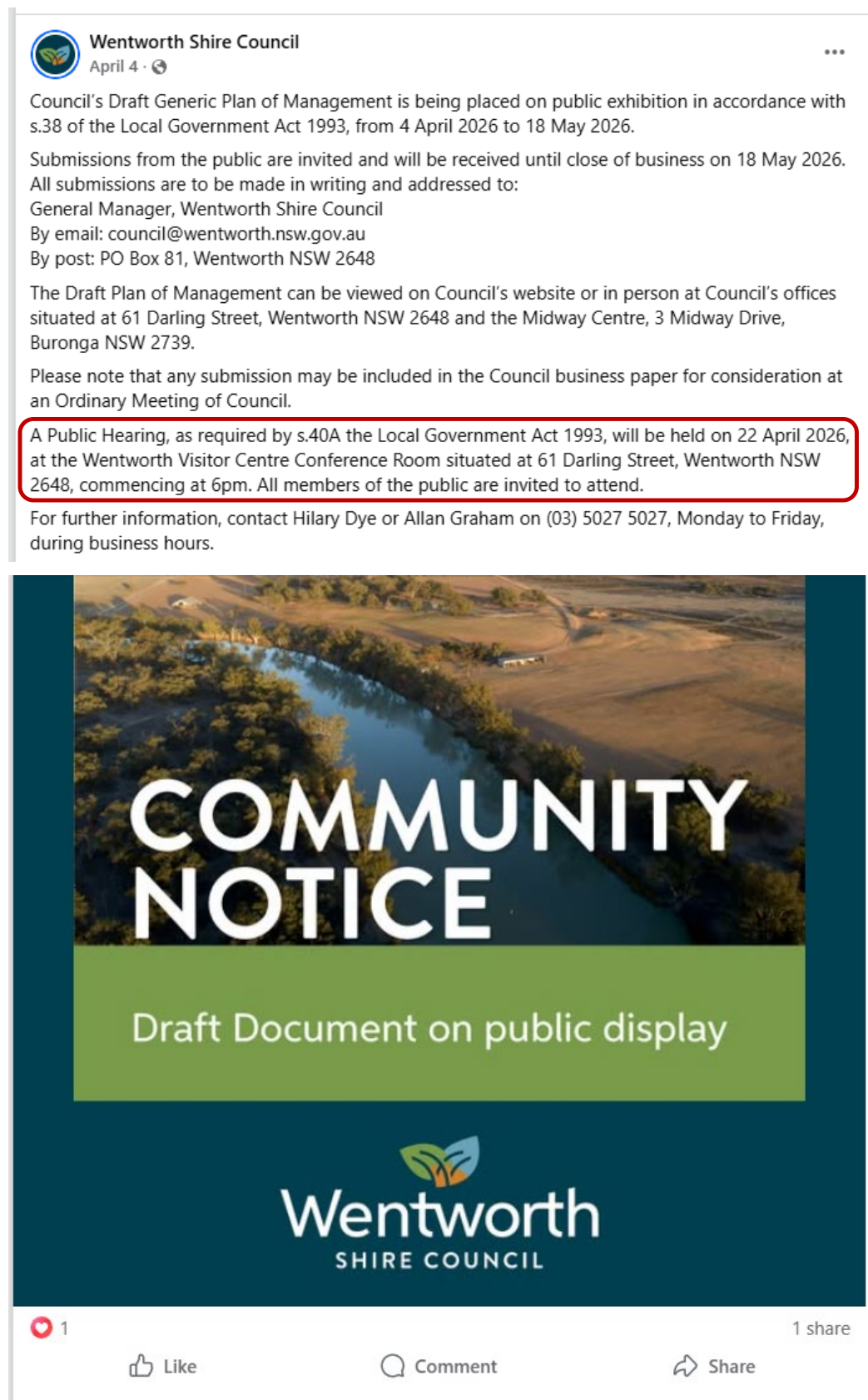
LIBRARY BLOG

- Free Digital Newspapers Now Available at Wentworth Shire Libraries

During the public exhibition of the Draft Generic Plan of Management from Saturday 4 April to Monday 18 May 2026 the Draft Plan of Management was available for download at <https://www.wentworth.nsw.gov.au/draft-generic-plan-of-management/>

Social media

Figure 9 Facebook post 4 April 2026



Wentworth Shire Council
April 4 · 🌐

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Submissions from the public are invited and will be received until close of business on 18 May 2026. All submissions are to be made in writing and addressed to:
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Please note that any submission may be included in the Council business paper for consideration at an Ordinary Meeting of Council.

A Public Hearing, as required by s.40A the Local Government Act 1993, will be held on 22 April 2026, at the Wentworth Visitor Centre Conference Room situated at 61 Darling Street, Wentworth NSW 2648, commencing at 6pm. All members of the public are invited to attend.

For further information, contact Hilary Dye or Allan Graham on (03) 5027 5027, Monday to Friday, during business hours.



1 ❤️ 1 share

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Sunraysia Daily

The notice published in the Community Noticeboard section of the *Sunraysia Daily* on 18 April 2026 is in Figure 10.

Figure 10 Sunraysia Daily notice 18 April 2026

PUBLIC EXHIBITION

Draft Generic Plan of Management

Council's Draft Generic Plan of Management is being placed on public exhibition in accordance with s. 38 of the *Local Government Act 1993*, from 4 April 2026 to 18 May 2026. Submissions from the public are invited and will be received until close of business on 18 May 2026. All submissions are to be made in writing and addressed to:
General Manager, Wentworth Shire Council
By email: council@wentworth.nsw.gov.au
By post: PO Box 81, Wentworth NSW 2648

The Draft Plan of Management can be viewed on Council's website or in person at Council's offices situated at 61 Darling Street, Wentworth NSW 2648 and the Midway Centre, 3 Midway Drive, Buronga NSW 2739. Please note that any submission may be included in the Council business paper for consideration at an Ordinary Meeting of Council.

A Public Hearing, as required by s.40A the *Local Government Act 1993*, will be held on 22 April 2026, at the Wentworth Visitor Centre Conference Room situated at 61 Darling Street, Wentworth NSW 2648, commencing at 6pm. All members of the public are invited to attend. For further information, contact Hilary Dye or Allan Graham on (03) 5027 5027, Monday to Friday, during business hours.

Other

Council placed copies of the Draft Plan of Management at the Council office in Wentworth and at the Midway Centre in Buronga.

4.2 Public hearing arrangements

The public hearing for the proposed categorisations was held on Wednesday 22 April 2026 from 6:00pm at the Wentworth Visitor Centre Conference Room at 61 Darling Street, Wentworth.

4.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

The following staff represented Wentworth Shire Council, providing information and answering questions on Council's behalf during the public hearing:

- ☐ Ken Ross – General Manager
- ☐ Hilary Dye – Property and Land Tenure Officer
- ☐ Allan Graham – Property Officer.

Three local residents (including one Wentworth Shire Councillor) and a staff member of Helen Dalton MP (Member for Murray) attended the public hearing.



4.4 The public hearing

Ms Hoy opened the public hearing at 6:05pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of community land, and the requirement for public hearings.

Council staff explained the background to and reasoning for the proposed categorisation of the subject land as required.

The questions that the Chair asked people attending the hearing to address is:

Do you agree with the proposal to categorise the following Council-owned land parcels as General Community Use:

- Midway Centre carpark - Buronga
- Midway Centre – Buronga
- George Gordon Reserve (Second Oval) - Dareton
- Wentworth Civic Centre - Wentworth
- Wilkinson Hall – Gol Gol
- Little Manly - Curlwaa

Why or why not?

The content of submissions which are relevant to the proposed categorisation are outlined in more detail in Section 5 of this report. Other comments and questions were noted but are outside the scope of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 7:00pm.

4.5 Submissions

Submissions about the proposed categorisation of the general community use land in the Draft Plan of Management could be made until Monday 18 May 2026:

- ☐ verbally at the public hearing in person on Wednesday 22 April 2026
- ☐ in writing and given to the Chair at the public hearing
- ☐ in writing after the public hearing by:
 - by email to council@wentworth.nsw.gov.au
 - post to General Manager, Wentworth Shire Council, PO Box 81, Wentworth NSW 2648
 - hand delivered to Council's offices at 61 Darling Street, Wentworth.

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5 SUBMISSIONS

5.1 Introduction

Verbal submissions relating to the proposed categorisations are set out below, according to:

- submissions to the public hearing and Council's response
- other topics raised at the public hearing outside the scope of categorisation

No written submissions to the public exhibition of the Draft Plan of Management were received.

5.2 Public hearing submissions

5.3.1 Proposed categorisation/recategorisations

Submissions from the people who attended the public hearing about the proposed categorisation of the community land sites in the Draft Plan of Management are listed in Table 8.

Table 8 Verbal submissions to the public hearing about proposed categorisations

Site	Submission	Council response
Midway Centre Carpark, Buronga	The Midway Centre is great use of community land.	Noted
Midway Centre, Buronga	The NSW MP's office leases part of the building.	Noted
	The building is used by Service NSW for its Open Day.	Noted
	The Midway Centre fits the criteria of the General Community Use category.	Noted
George Gordon Reserve (Second Oval), Dareton	Is George Gordon Reserve freehold land so Council can sell it? Is community land harder to sell?	George Gordon Reserve is owned by Council and is classified as community land. Community land cannot be sold unless it is reclassified as operational land.
	When Wentworth Shire bought the land for a sporting reserve why couldn't Council have categorised the land at the time of its purchase to save time on this process?	Council classified the land as Community Land at the time of purchase, however as the land had not been assigned a categorisation before (for the first time), it is required to be a part of this public hearing. A public hearing allows the community an opportunity to comment on the proposed categorisation.
	The General Community Use category allows broader use of the Second Oval.	Noted

Site	Submission	Council response
	If the best category for George Gordon Reserve is General Community Use, then categorise it as General Community Use.	Noted
	Agree with General Community Use category	Noted
Wentworth Civic Centre	Agree with General Community Use category	Noted
Wilkinson Hall, Gol Gol	Agree with General Community Use category	Noted
Little Manly, Curlwaa	Comfortable with the General Community Use category	Noted
Change to text in Draft PoM for Midway Centre, George Gordon Oval, Wentworth Civic Centre, Little Manly	The text presented to the public hearing about 'Reasons for proposed category' was preferred to the text in the Draft PoM.	The 'Reasons for proposed category' in the Draft Plan of Management will be amended as follows: - Midway Centre: Wentworth Shire Offices and Library, public community centre with multiple licenced users that occupy rooms and basketball courts, public hire facility, Local Members Office and Service NSW. - George Gordon Oval: Reserve User Group in place with annual licence holders, public recreational sporting arena, available for public hire and sporting events. - Wentworth Civic Centre: Wentworth Shire Offices, Council Chambers, Wentworth Public Library, Visitor information Centre, local Historical Society, public facility to hire and a Café. - Little Manly: Riverfront recreational reserve used by the general public for camping, boating, fishing, walking and bird watching etc.

5.2.2 Other public hearing submissions

Verbal submissions to the public hearing which are not relevant to the proposed categorisation of the sites considered at the public hearing are set out below.

Table 9 Other public hearing submissions

Issue	Submission	Council response
Use agreements for use of George Gordon Reserve (Second Oval), Dareton	Use of the oval at George Gordon Reserve is under a short term licence.	Use of the oval at George Gordon Reserve is subject to an annual licence. It would be in the best interests for sporting clubs to have a longer licence period. If the land is categorised as General Community Use, it is within Council's power to allow someone to operate a restaurant or café via a formal commercial leasing arrangement.

Issue	Submission	Council response
		Typically, sports and community groups occupy the site under an annual licence. A lease is for exclusive use, while a licence is for non-exclusive use. The Crown prefers multiple users using Crown land so licenses rather than leases are preferred.
Levees at Little Manly, Curlwaa	Council has issued a short term annual licence for flood mitigation. The levee banks were historically built where they needed to be.	Council acquired the land in 2020. Previously Council held a term lease with the Crown. At the commencement of the <i>Crown Land Management Act 2016</i> there was no ability to renew term leases. In 2018 the Crown offered the lease to Council for purchase within 5 years. It appears that it is a private levee bank, not Council owned, but was constructed on adjoining land not owned by the landholder. The purpose of the licence is for occupation of a portion of the levee bank situation on Lot 3 DP 807829 (Council land) protecting the adjoining land. This licence was executed in 2014. Council also acknowledges that access is to be provided to the adjoining landholder to Lot 3 DP 807829 for maintenance to levee banks as protection against flooding.
Vehicle damage at Little Manly, Curlwaa	Four-wheel drives create bogholes after rain, then the road is fixed up.	After rain people like to four-wheel drive in the mud. Little Manly is tucked away from public view. Council does its best to rehabilitate the road after rain.
Ownership of Little Manly, Curlwaa	Has the Shire owned Little Manly since 2019? Before 2019 it was owned by the Crown.	Council held a long term lease from Crown Lands. With the <i>Crown Land Management Act 2016</i> came into force there was no ability to renew long term leases. The Certificate of Title was issued in 2020.
Rubbish at Little Manly, Curlwaa	The big bin makes a difference at Little Manly.	Noted
Little Manly, Curlwaa	Little Manly is very popular in holiday periods. Sand is exposed near a weir. Little Manly is in shade for most of the day.	Noted
Use of Little Manly, Curlwaa	The description of the use of Little Manly in the background information presented to the public hearing sums up what happens there. Council should update the use of Little Manly in the Draft Plan of Management to reflect what was stated in the presentation to the public hearing.	The description of the use of Little Manly for boating will be updated in the Plan of Management.

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6 ASSESSMENT AND RECOMMENDATIONS

6.1 Assessment

6.1.1 Introduction

The people who attended the public hearing generally either support or have a neutral position regarding the proposed categorisation of the six Council-owned sites included in the Draft Plan of Management that were considered at the public hearing.

No suggestions for change to the proposed categorisations were made at the public hearing.

6.1.2 Assessment

Each site is appropriate to be categorised as General Community Use for the following reasons:

Midway Centre Carpark, Buronga

- ☐ A carpark is not consistent with the guidelines and core objectives of any of the four other categories of community land.
- ☐ General Community Use is the most appropriate category for the Midway Centre Carpark.

Midway Centre, Buronga

- ☐ Midway centre is a public facility including a library, Wentworth Shire Offices, function rooms, indoor basketball courts, Local Member's Office, a carpark, outdoor tennis courts and bocce courts.
- ☐ Midway Centre is hired and used for a range of community, social, educational and recreational activities.
- ☐ Such facilities and uses of the Midway Centre are consistent with the guidelines and core objectives of the General Community Use category.
- ☐ General Community Use is the most appropriate category for the Midway Centre.

George Gordon Reserve (Second Oval), Dareton

- ☐ George Gordon Reserve (Second Oval) has a Reserve User Group in place with annual licence holders, a public recreational sporting arena, and available for public hire and sporting events.
- ☐ The General Community Use category would permit and facilitate a wider range of community uses of George Gordon Reserve (Second Oval).
- ☐ General Community Use is an appropriate category for the George Gordon Reserve (Second Oval).

Wentworth Civic Centre, Wentworth

- ☐ As a public facility including the Wentworth Shire Council civic centre and offices, Wentworth Library, Wentworth Visitor Information Centre, public facility to hire, external Café, and Historical Society rooms, spaces in the Wentworth Civic Centre are used for a range of civic, community, social, educational and recreational activities.
- ☐ Such facilities and uses of the Wentworth Civic Centre are consistent with the guidelines and core objectives of the General Community Use category.
- ☐ General Community Use is the most appropriate category for the Wentworth Civic Centre.

Wilkinson Hall, Gol Gol

- ☐ Wilkinson Hall is a community facility which is leased exclusively by the Mildura Vintage Vehicle Club for a clubroom.
- ☐ The nature and uses of Wilkinson Hall are consistent with the guidelines and core objectives of the General Community Use category.
- ☐ General Community Use is the most appropriate category for Wilkinson Hall.

Little Manly, Curlwaa

- ☐ Little Manly is a riverfront reserve used by the general public for recreation, weekend/ annual social or family gatherings for activities including camping, boating, fishing, walking and bird watching etc.
- ☐ Due to its location on the Murray River foreshore and natural vegetation Little Manly could be categorised as Natural Area-Foreshore and Natural Area-Bushland.
- ☐ Due to its social and recreational values and high level of use by the public, General Community Use is an appropriate category for Little Manly.
- ☐ Council maintains the area, provides rubbish bins for rubbish removal and grades the tracks into the reserve for public access.

6.2 Recommendations

Based on the representations to the public hearing on 22 April 2026, my recommendations to Wentworth Shire Council are to:

- ☐ note the public submissions and Council's responses outlined in Section 5 of this report.
- ☐ adopt the proposed categorisation of the six Council-owned sites (Midway Centre Carpark – Buronga, Midway Centre – Buronga, George Gordon Reserve (Second Oval) – Dareton, Wentworth Civic Centre – Wentworth, Wilkinson Hall – Gol Gol, and Little Manly – Curlwaa) set out in the Draft Plan of Management and considered at the public hearing as General Community Use, because there is no compelling reason to change the proposed categorisation of General Community Use.

6.3 Adoption of proposed categorisations

This public hearing report will be presented to Council for its information for consideration of the proposed categorisations of the six Council-owned community land parcels in the Draft Plan of Management as General Community Use.

Clause 114 of the *Local Government (General) Regulation 2021* states that if Council receives any submission objecting to the proposed categorisation of land, and the Council adopts the categorisation without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the categorisation must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection. No objections to the proposed categorisations were received.

If Council adopts the proposed categorisations, Council will recognise the six sites as categorised as General Community Use, make the minor amendments outlined above to the Draft Plan of Management, and amend its Land Register to reflect the adopted categorisations.

If Council decides to alter the proposed categorisation/recategorisations from those considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

6.4 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ send a copy of and/or a link to the public hearing report to the people who attended the public hearing and/or made a written submission.
- ☐ keep a copy of the public hearing report for inspection at Wentworth Shire Council offices in Wentworth and at the Midway Centre in Buronga.
- ☐ post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

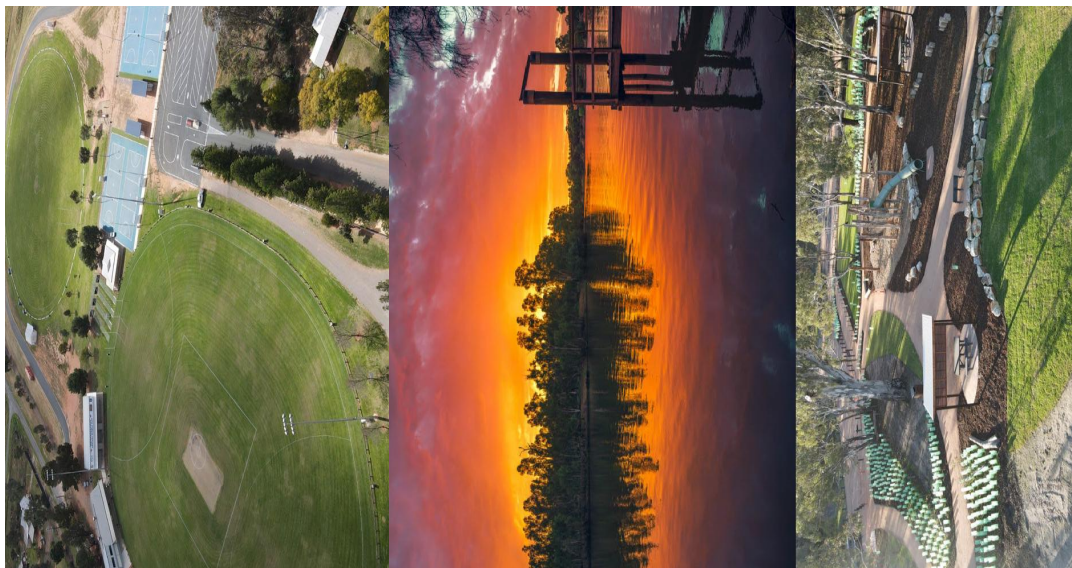
27 May 2026

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DRAFT GENERIC PLAN OF MANAGEMENT

Proposed Categorisation of Council owned Community Land

Public Hearing
22 April 2026





Welcome and Introductions

Independent Chair and Note Taker

Sandy Hoy – Director, Parkland Planners

Council Presenters

Hilary Dye – Property and Land Tenure Officer

Allan Graham – Property Officer

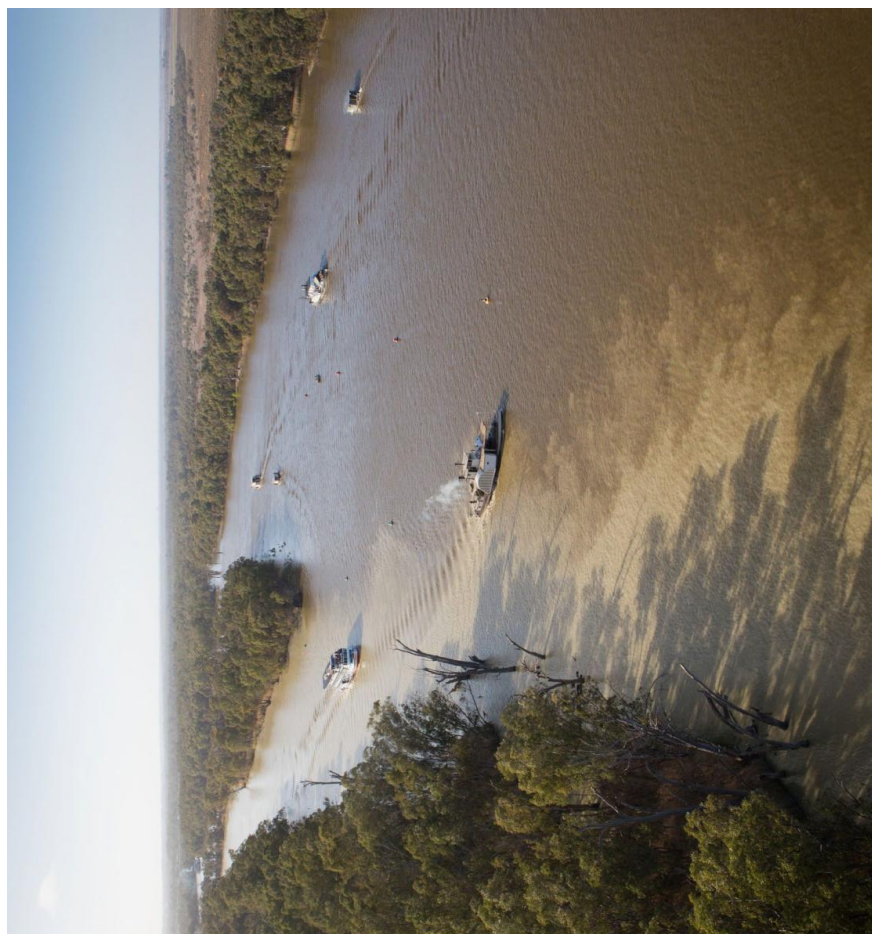
Q&A

Ken Ross – General Manager

Kerren Miles – Economic & Community Development Officer



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.



Agenda

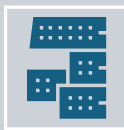
- Welcome and Introductions
- Acknowledgement of Country
- Housekeeping
- Purpose of this Public Hearing
- Background to community land management
- Council Presentation
 - Draft Generic Plan of Management
 - Proposed categorisation of community land
- Submissions about proposed categorisation
- Q&A about the Draft Generic Plan of Management
- What happens after the public hearing?
- Thank you and close



Purpose of the Public Hearing



The *Local Government Act 1993* (Section 40A) requires Wentworth Shire Council to conduct an independently chaired public hearing in relation to a draft Plan of Management, if the proposed plan would have the effect of categorising or altering the categorisation of community land.



Wentworth Shire Council has prepared a Draft Generic Plan of Management which sets out the proposed categorisation of certain community land parcels in Wentworth Shire as Sportsground, Park, Natural Area or General Community Use.



The draft Plan is on public exhibition for comment and can be found on Council's website under public exhibitions/hearing or at Council's offices in Wentworth & Buronga. Submissions are open until **5pm Monday 18 May 2026**.



Wentworth

Purpose of the Public Hearing (cont.)

- Council owns six (6) community land parcels which have not yet been assigned a category.
- As part of the process to assign categories to community land, Council must hold a public hearing chaired by an independent chair/facilitator. This provides the community with a chance to provide comments, be involved and represented about the contents of the draft Plan of Management and how community land is managed.
- This public hearing will discuss the proposed categorisation of six (6) parcels of community land owned by Council as General Community Use.
- A public hearing is not required for categorisation of Crown land (Clause 70A Crown Land Management Regulation).

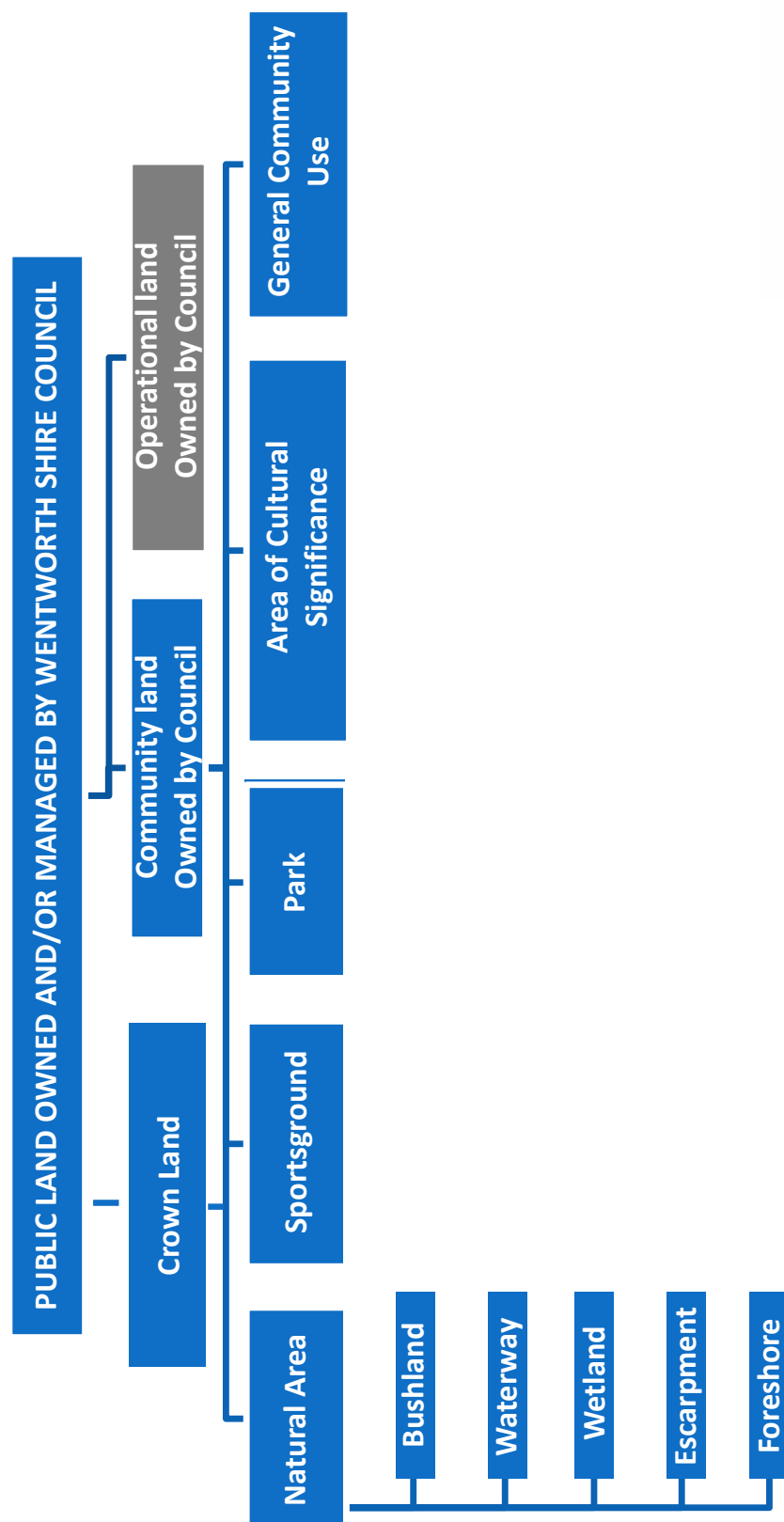


Classification and Categorisation

- The *Local Government Act 1993* and *Crown Land Management Act 2016* set out the requirements that the Wentworth Shire Council is legally bound by, including how public land is to be managed.
- The LG Act requires all public land vested in a Council including Council owned land must be classified as either 'community' land or 'operational' land (s.26).
- The purpose of the classification is to identify clearly the land which should be kept for use by the general public (Community) or what land is not (Operational).
- The use and management of community land is regulated by a Plan of Management.



Classification and Categorisation (cont.)



What is community land?

- Community land is land owned by a council or Crown land that is vested in or under the control of a council and appointed as the Crown Land Manager (CLM).
- Community land is intended to be managed for and used by the general public for purposes which include – active and informal recreation, cultural and social activities, environmental protection and general community use areas like libraries. Community land includes parks, sports grounds, and natural areas to support community wellbeing.
- Community land may only be leased or licensed for up to 21 years without the Minister's consent, or up to 30 years with the Minister's consent. It cannot be sold. The use of Crown land is restricted to the dedicated purpose for which the land was reserved.

What is operational land?

- Operational land would ordinarily comprise land which facilitates the carrying out by a council of its functions or land which may not be open to the general public to which access is often restricted.
- Operational land can be used for any purposes deemed fit by a council, may be used for commercial purposes, be leased for a longer period of time than community land, and can be sold.
- Operational land in Wentworth Shire includes Council works depots, aerodromes, landfill sites, drainage basins, and effluent pump out stations.



Community & Public Land in Wentworth Shire

- Wentworth Shire is a unique regional LGA, situated at the junction of Australia's largest river systems – the Darling and the Murray Rivers.
- Most land across the Shire is owned by the State of New South Wales but is administered by NSW Department of Planning, Housing and Infrastructure – Crown Lands through Western Land Lease agreements.
- The commencement of the *Crown Land Management Act 2016* (CLM Act) in 2018 allowed Council to manage Crown reserves as public land under the *Local Government Act 1993* (LG Act).
- Councils then became 'Crown Land Managers' (CLMs) - previously known as Trustees.
- Public land (reserves) defaulted to community land, and CLMs were required to request consent to manage any reserve as operational land.



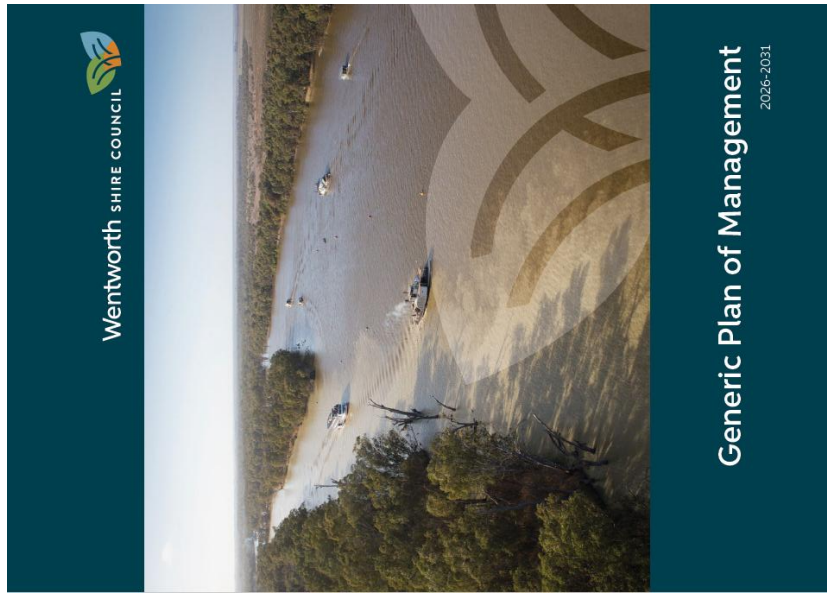
Plan of Management – what and why?

- The *Local Government Act 1993* (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as ‘community’ land under the LG Act.
- A Plan of Management (PoM) is an important management tool written by Council in consultation with the community.
- A PoM identifies the land’s features, and outlines how Council will manage, use and make future improvements to the land.
- A PoM provides a transparent and coordinated approach to public land management and helps ensure Council owned and Crown land is lawfully used and occupied.



Plan of Management – what and why? (cont.)

- The Draft Wentworth Shire Council Generic PoM 2026-2031 has been developed by Council officers in conjunction with external consultants and in close liaison with Crown Lands.
- This PoM is a 'generic' plan for community land which covers multiple Crown reserves and includes Council owned land as required by the *Crown Land Management Act 2016*.
- Council owned land must be clearly defined and delineated from Crown land.



What land is included in the Plan of Management?

- The Shire's seventy-nine (79) public land parcels comprise:

- Open spaces
- Parks
- Sporting grounds
- Community facilities
- Natural areas
- Bushland
- Watercourses and wetlands

- Seventy-three (73) of these parcels are Crown reserves, managed as community land by Council as the Crown Land Manager.

- Six (6) of these parcels are Council-owned community land.



What information must be in a Plan of Management?

- A PoM defines the values, use, management and improvement of the land, in line with the category(s) and reserve purpose(s).
- A PoM for community land must identify the following:
 - The **category** of the land;
 - **Core objectives** for management of the land;
 - **Purposes** for which that land, and any buildings or improvements, or future development will be allowed to be used;
 - **Authorised** leases, licences or other estates;
 - **Performance targets**; and
 - Means for **assessing achievement** of objectives and performance targets.



Categories of community land in Wentworth Shire

(Examples)

Park

- For all park areas and facilities used to undertake landscaping, gardening, passive recreational activities, games and socialising (Tapio Park Reserve 150041)



Sportsground

- For all sporting areas and facilities used for active recreation including football, tennis, bowls, cricket etc. (George Gordon Oval Reserve 61503)



Categories of community land in Wentworth Shire (Examples cont.)

General Community Use

- All areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout / guide halls, and libraries (Buronga Riverfront Reserve 63988)



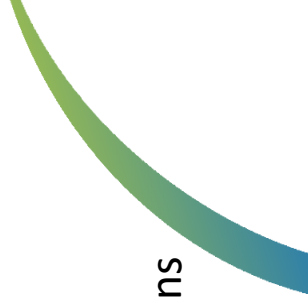
Natural area

- Land in its natural state or partially undisturbed with additional features to be further categorised as bushland, watercourse, and wetland (Thegoa Lagoon Reserve 78909)



Assigning a Categorisation

- To assign the most appropriate categorisation to community land Council must:
 - Identify the gazetted reserve purpose
 - Assign a categorisation which most closely aligns with the use of the reserve and its purpose.
 - Ensure all proposed improvements and current use (including leases and licences) are consistent with the reserve purpose
 - Undertake community consultation
 - Consider Native Title interests
 - Take into account Council and State Government strategies, policies and plans



Guidelines and core objectives for categories of community land and Crown reserves

- Each category and sub-category of community land has guidelines for categorisation and core objectives for its management which are set out in the *Local Government Act 1993*.
- The guidelines assist Council to decide which category to apply to community land
- The core objectives outline the approach to management of the land covered by the particular category or sub-category.
- The guidelines and core objectives for the General Community Use category are presented below.

Guidelines and core objectives for General Community Use category of community land

Category	Guidelines ¹	Core objectives ²
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

¹ Local Government (General) Regulation 2021

² Local Government Act 1993



Proposed categorisation of Council-owned Community Land are:

1. Midway Centre Carpark - Lot 1 DP873390

Address: 3 Midway Drive, Buronga NSW 2739

Proposed categorisation of General Community Use:

A car park used by the community while visiting the Midway Centre, Buronga Library or Wentworth Shire Council Offices.

2. Midway Centre - Lot 2 DP873390

Proposed categorisation of General Community Use:

Wentworth Shire Offices and Library, public community centre, with multiple licenced users that occupy rooms and basketball courts, public hire facility and Local Member's Office.





3. Second Oval at George Gordon Reserve – Lot 654 DP1300066

Address: Oleander Drive, Dareton NSW 2717
(Adjacent to George Gordon Oval Reserve 61503)

Proposed categorisation of General Community Use:

Reserve User Group in place with annual licence holders, public recreational sporting arena, available for public hire and sporting events.

4. **Wentworth Civic Centre** – Lot 6 SP71990

Address: 61 Darling Street, Wentworth NSW 2648

Proposed categorisation of General Community Use:

Wentworth Shire Council offices, Council Chambers, Wentworth Public Library, Visitor Information Centre, local Historical Society, public facility to hire, conference facilities and a Café.





- 5. Wilkinson Hall** - Lot 4 DP 29258
Address: 15 William Street, Gol Gol NSW 2738
Proposed categorisation of General Community Use:
Leased to the Mildura Vintage Vehicle Club.

6. Little Manly - Lot 3 DP807829
Address: Little Manly Lane, Curlwaa NSW 2648

**Proposed categorisation of General
Community Use:**

Riverfront recreation reserve used by the
general public for camping, boating, fishing,
walking & bird watching etc.



Submissions about proposed categorisations

Do you agree with the proposal to categorise the following Council-owned land parcels as General Community Use:

- Midway Centre carpark - Buronga
- Midway Centre – Buronga
- George Gordon Reserve - Second Oval - Dareton
- Wentworth Civic Centre - Wentworth
- Wilkinson Hall – Gol Gol
- Little Manly - Curlwaa

Why or why not?



Questions



Next Steps

- Give public notice of a draft plan of management (advertise)
- Public exhibition of Draft PoM for no less than 42 days
- **Hold a Public Hearing for Council owned community land 22 April 2026**
- Written submissions close 18 May 2026
- Council to prepare a summary report of any submissions
- After considering any submissions about categorisation, Chair writes a public hearing report and issues it to Council
- Within 4 days of Council receiving the public hearing report, Council must make the report available for inspection by the public
- Council's review of Draft PoM & make final amendments
- Obtain Minister's consent for Council to adopt the PoM
- Adoption of Plan of Management by Council

Formal Submission

If you would like to make a submission about the Draft Plan of Management and/or the proposed categorisation of **Council-owned** community land, you can do so up until the close of business on the **18 May 2026**.

All submissions are to be made in writing and addressed to:

General Manager

Wentworth Shire Council

By email: council@wentworth.nsw.gov.au

By post: PO Box 81, Wentworth NSW 2648



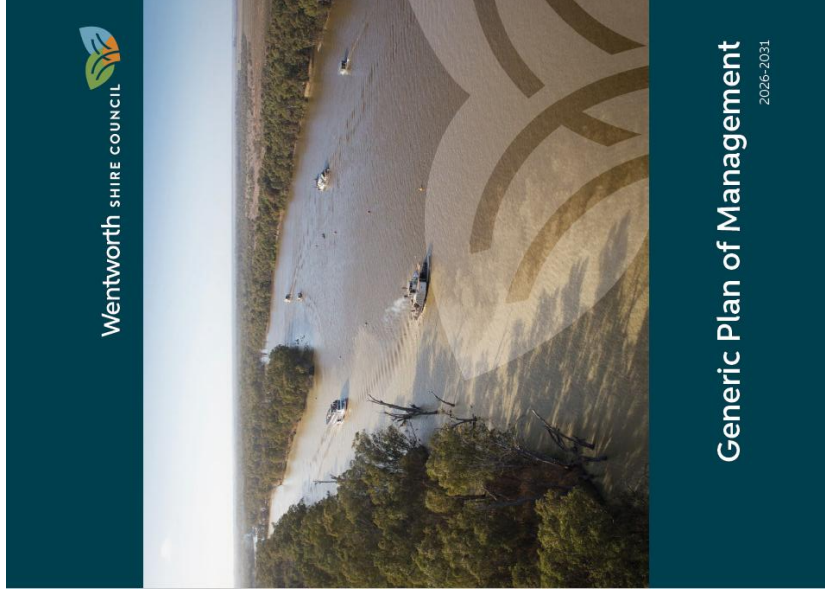
The Draft Plan of Management can be viewed on Council's website at:

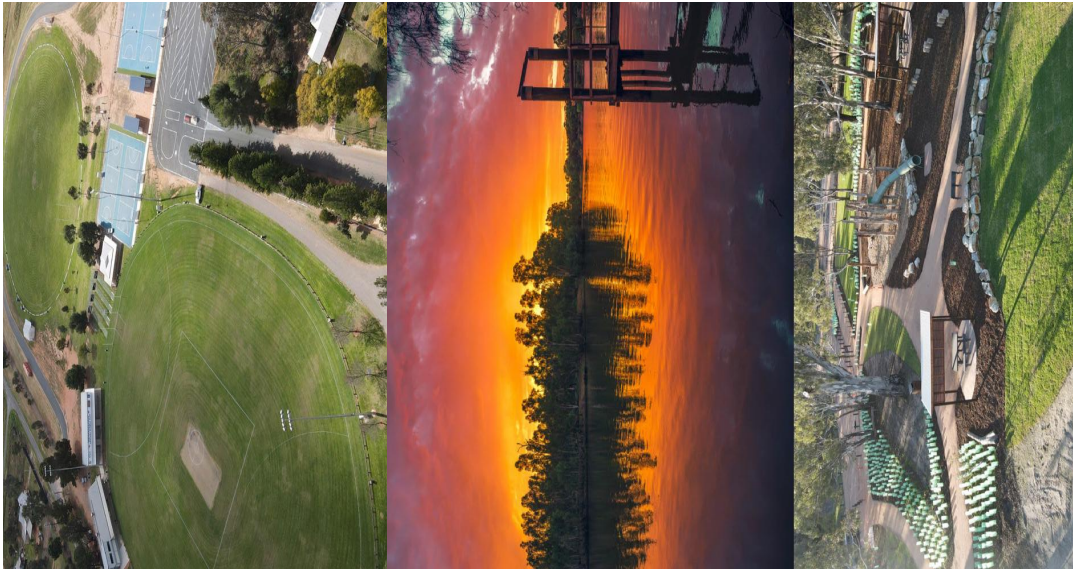
<https://www.wentworth.nsw.gov.au/draft-generic-plan-of-management/>

Or in person at Council's offices situated at:

- 61 Darling Street, Wentworth NSW 2648 and
- Midway Centre, 3 Midway Drive, Buronga NSW 2739.

Please note that any submission may be included in the Council business paper for consideration at an Ordinary Meeting of Council.





Thank you for your attendance.

9.12 MOBILE FOOD VENDOR POLICY

File Number: RPT/26/278

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

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

At the April meeting of Council the Mobile Food Vendor Policy was considered and the following was adopted

1. Endorse the Draft Mobile Food Vendor Policy for public exhibition for 28 days including the opt in to the mutual recognition scheme
2. determine a fee of \$180 for the mutual recognition scheme process.

After this and throughout the advertising period there were 23 submissions received – all of which conveyed comments relative to the site within the James King Park Reserve.

To clarify this, it should be noted that the policy has implications to the operation of mobile food vans at all of the following locations.

Junction Park Wentworth, O'Donnell Park Curlwaa, Boat Ramp Reserve Dareton, Travelers Rest Stop Buronga, Riverfront Reserve Buronga and James King Park Gol Gol.

In preparation for this Council meeting, Council's Community Road Safety Officer compiled a report related to the matters raised in the submissions and drawing a conclusion based on experience, knowledge and site inspection observations. The conclusion of that separate report states "The proposed vendor site, adjacent to the highway, is a safer location that mitigates community exposure to unnecessary risk within the recreation al park area."

Recommendation

That Council

adopts the Mobile Food Vendor Policy, having considered submissions received

Detailed Report

Purpose

The purpose of this report is to further the development of the Mobile Food Vendor Policy giving consideration to the submissions received during the recent exhibition period.

Background

The Mobile Food Vendor Policy adopted by Council in May 2022 nominated designated trading locations at:

- Junction Park Wentworth
- O'Donnell Park Curlwaa
- Boat Ramp Reserve Dareton
- Travelers Rest Stop Buronga
- Riverfront Reserve Buronga
- James King Park Gol Gol.

Since that time most locations have operated without concern which was evidenced with nil submissions being received relative to those locations and accordingly this report recommends no change at those locations.

The operation of mobile food vans at James King Park within the previously approved designated locations has caused a level of concern relative to generator noise, vehicle / pedestrian conflict and distance to the local business. Having consideration to the above, this report recommends that the designated trading locations remain the same in each location except for James King Park. It is the opinion of the author that to negate the issues raised previously at James King Park that a new designated trading location be adopted by Council. The nominated location is on the grass area between the exit road and the raw water pump station as nominated in the attachment to the Draft Policy.

Matters under consideration

The submissions received had points of interest relative to safety, access to existing park facilities and visibility.

The following table is a summary of each of the submissions.

SUBMISSION NO		COMMENTS
1 – James King Park Site	• Request to move site to near Tennis Courts, seating, Toilets • Access to existing mains power at the proposed tennis court area location — removing the need for generator use • A fair, scaled fee arrangement that reflects the community benefit delivered and the operational constraints of a small coffee business • Approval to operate in a high-visibility location near existing amenities (park, seating, shade, toilets)	• Not aligned with the conclusion of the Community Road Safety Officer report • Achieved at recommended site • See fees and charges • Recommended site is 90 metres from the nominated amenities with a higher degree of visibility.

2 – James King Park Site	• Location in draft policy avoids being next to tennis courts and public amenities, reducing congestion and user conflict • Site benefits from existing infrastructure, including nearby power, making it practical and efficient • Author supports the chosen location and opposes moving vendors closer to courts or toilets due to increased parking pressure, congestion, and safety risks during peak periods Power Access & Costs • Policy does not address use of Council-supplied power • Power usage should be metered or properly calculated • Full cost recovery should apply • Pricing should reflect a genuine commercial arrangement • Without this, private vendors may be unfairly subsidised. Fairness Between Operators • Policy overlooks competition between mobile vendors and nearby businesses • Vendors using Council-supported sites (especially with power) should face fair commercial costs • This ensures: ○ Equal competition for local businesses ○ No unintended market distortion ○ Responsible use of public assets aligned with Council goals High-Demand Park Usage • James King Park is heavily used for	• Noted • Noted • Noted • Power costs to be on a user pay system • Metering ability to be confirmed.
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	recreation, boating, and tennis events • Peak times (e.g. competition days) increase parking and access demand • Current location balances these competing needs well • Moving vendors closer to busy areas would likely create conflict and safety concerns	
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3 - James King Park Site	• Current location is unsafe due to busy one-way road access • Safety concerns for both pedestrians and drivers • Strong local support for more mobile food vans • Popular vendors include “Where’s Ya Coffee Bean” and “Two Black Sheep” • Proposed relocation near path, playground, toilets, shade, and seating areas • New location would be more suitable for families and visitors • Improved access to appropriate parking via the highway access road	• Noted • Safety concerns best addressed by reference to the Community Road Safety Officer report • Reference to new location is not offered in the proposed policy.
4 - James King Park Site	• Suggested site: between the tennis courts and toilets • Utilises existing infrastructure effectively • Improved visibility for the business • Enhances accessibility and service for the wider community	• Reference to suggested site is not offered in the proposed policy.
5 - James King Park Site	• Supports relocation of “Where’s Ya Coffee Bean” to area between tennis courts and public toilets at Gol Gol riverfront • Recognises the coffee van as a valued community asset over the past two years • Operators contribute to community safety, assist with lost items, and support local activities • Help promote local businesses and welcome visitors to Gol Gol and Wentworth Shire Key benefits of relocation: • Improved safety by removing need to cross busy road without pedestrian crossing • Greater comfort with access to shade	• Reference area between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report •

	and shelter - Enhanced accessibility, especially for elderly and mobility-impaired visitors due to proximity to toilets - Opportunity to include seating, encouraging longer stays and social interaction - Adequate and safer parking available near tennis court area - Provides a consistent, reliable location for the vendor and community Broader impacts: - Activates and enhances the riverfront as a social and community space - Supports local small business and community wellbeing - Aligns with safety, accessibility, and placemaking goals - Strongly encourages council to approve the proposed relocation	
6 - James King Park Site	- Suggests locating the business near the tennis courts and park in Gol Gol - Believes it would be an ideal and convenient location - Highlights benefits for families, especially those with young children - Emphasizes the importance of supporting small businesses	- Reference area between tennis courts and toilets is not offered in the proposed policy. - Safety concerns best addressed by reference to the Community Road Safety Officer report
7 - James King Park Site	- Supports their request to relocate near the toilet facilities and tennis courts - Highlights benefits of the proposed site (power, shelter, shade, seating) - Says the move would benefit both the business and the community - Describes them as hardworking and positive contributors - Concludes they deserve a fair opportunity and the move would benefit Gol Gol	- Reference area between tennis courts and toilets is not offered in the proposed policy. - Safety concerns best addressed by reference to the Community Road Safety Officer report

8 - James King Park Site	• Current location works, but proposed site is better for long-term use • Closer to playground, improving safety by avoiding road crossings • Creates a more relaxed, family-friendly environment • Offers shade, nearby toilets, and potential seating • Improves comfort and accessibility for children and people with mobility challenges • Aligns with Council goals of safe, accessible, and vibrant community spaces • Supports better use of the riverfront for locals and visitors • Highlights the coffee van's friendly, community-focused atmosphere • Says a permanent, well-placed site would encourage people to stay and enjoy the area • Supports local tourism and showcases Gol Gol and the wider shire	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report
9 - James King Park Site	• Supports their request to relocate between the toilet facilities and tennis courts • Highlights benefits of the new site (power, shelter, shade, seating) • Says the move would improve practicality and visitor experience • Believes it would benefit the Gol Gol community	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy.

10 – James King Park	• Strong understanding of local economic drivers in Gol Gol–Mildura region • Main road through Gol Gol has high traffic but low visitor spending/engagement • Observational data shows most people stop only for toilets, then leave • Identifies this as a “conversion problem” (traffic not translating into economic activity) • Advocates “activation” as the solution—giving travellers a reason to stop • Mobile coffee service seen as a low-cost, proven activation method • No need for public funding, infrastructure, or subsidies—just fair policy and location • Economic benefits: longer stays, increased spending, positive word-of-mouth • Praises submission as evidence-based and mutually beneficial (data sharing + promotion of local businesses) • Encourages Council to focus on practical economic outcomes • Notes rapid growth of Gol Gol and need for more, not fewer, visitor options • Highlights lack of offerings when riverfront businesses are closed • Supports extended trading hours to match peak visitor times (morning/evening)	• Noted
11 – James King Park	• Support of moving Where’s Ya Coffee Bean to the area near the tennis courts and toilet facilities. • This location would provide better security, with more trusted community presence around the toilet blocks when children are using the park.	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by

		reference to the Community Road Safety Officer report
12 – James King Park	• Supports Where's Ya Coffee Beans request to relocate between the toilet facilities and tennis courts • Proposed location offers power, shelter, shade, and seating • Move would improve accessibility and overall experience for locals and visitors • Increased visibility would benefit tourism across Gol Gol and the wider Wentworth Shire • Current location lacks adequate seating and nearby toilet access • Accessibility challenges particularly impact elderly visitors and families • Relocation would reduce inconvenience and encourage people to stay longer at the foreshore	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report
13 – James King Park	• Expresses support for "Where's Ya Coffee Bean" and its operators, Jeromy and Kim Baird • Written as part of feedback on the Draft Mobile Food Vendor Policy • Strongly supports their request to operate near amenities and tennis courts • Proposed location offers shade, seating, and toilet access • Describes the request as practical and beneficial for the community • Raises concerns about the alternative pump station location (no shade, seating, toilets, and safety risks) • Argues the tennis court area is the most suitable location	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report
14 – James King Park	• Current location is isolated with no passing traffic • Lack of traffic results in very few or no customers • The setup is not practical or sustainable for their business • A better alternative location exists near toilet facilities, tennis courts, shade,	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the

	and seating • This alternative spot has higher passing traffic • Relocating would make the business more viable • It would also provide a valuable service to Gol Gol residents and visitors • Supporting the relocation benefits both the family business and the community	Community Road Safety Officer report
15 - James King Park	• Supports relocating Where's Ya Coffee Bean van to the space between tennis courts and toilet facilities • Believes the move will benefit the wider community • Highlights improved safety for children and accessibility for the elderly • Notes it will better serve travellers visiting the area • Emphasises the advantage of being closer to key amenities • Suggests the relocation improves ease of access for everyone • Reflects Gol Gol's easygoing, community-focused spirit • Believes the decision could positively impact many people • Sees it as a simple, practical choice that demonstrates community solidarity	• Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report
16 - James King Park	• Highlight their strong customer engagement — friendly, curious, and helpful with local recommendations • WYCB actively promotes other local businesses and has referred guests to their accommodation • Demonstrated community value by stepping in to perform at a festival when a performer cancelled • Proven ability to activate spaces and enhance the atmosphere at events • Gol Gol boat ramp identified as a key tourism entry point with high visitor traffic • WYCB's presence enhances visitor experience and promotes the region positively • Emphasise that positive visitor	• Noted • Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report

	experiences lead to repeat visits and word-of-mouth promotion Strongly support approval of the proposed location near the tennis courts	
17 – James King Park	- Since the coffee van began operating at the Gol Gol boat ramp, the local bakery started opening on Sundays, showing that healthy competition increased local activity rather than harming businesses. - Resident values the added variety and choice the business provides to the community. - Where's Ya Coffee Bean is described as accessible, community-minded, and a positive presence in the area. - Operators Jeromy and Kim regularly support the community by: - Promoting local businesses - Assisting visitors - Helping with lost property - Creating a welcoming riverfront atmosphere - Suggestion to Council: consider a trial period at the tennis court area if there are concerns about the proposed location. - Tennis court area seen as the most practical option due to existing shade, seating, toilets, and power access.	Noted
18 - James King Park	- The proposed location offers key advantages including power access, shelter, shade, and seating. - A coffee van in this area would provide added convenience and benefit to the Gol Gol community and visitors. - Supporting small businesses is especially important during current tough economic conditions. - Request for Council to consider approving the proposed new location.	- Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. - Safety concerns best addressed by reference to the Community Road Safety Officer report

19 – James King Park	• Opposition to the proposed relocation area near the Pump Shed under Council's draft Mobile Food Vendor Policy. • Belief that the amenities area is a more suitable, family-friendly, and practical location. • Amenities area is already the central hub of the park, close to: ○ Playground ○ Existing facilities ○ Tables and shade ○ Toilets • Location would allow parents and carers to supervise children while purchasing coffee. • Keeping the van near existing facilities would encourage safe and responsible use of the park. • Benefits families, walkers, visitors, and other park users. • Concerns that the Pump Shed area lacks essential infrastructure, including: ○ Safe car/caravan parking ○ Tables and seating ○ Shade structures ○ Toilet facilities • Proposed Pump Shed location may reduce accessibility for: ○ Families ○ Older residents ○ People with prams • Concern that the Pump Shed location could lead to unsafe or informal parking. • Safety concern that patrons would need to cross a busy access road used by boat ramp traffic. • Crossing the road creates	○ Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. ○ Safety concerns best addressed by reference to the Community Road Safety Officer report
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	unnecessary risks, especially for: ○ Children ○ Families with prams ○ People carrying hot food and drinks • Request for Council to prioritise the amenities area as the preferred vendor location instead of the Pump Shed site. • View that the amenities area better supports: ○ Public safety ○ Accessibility ○ Visitor amenity ○ Family use of the park	
20 – James King Park	• Long-term Community Support: We are local Gol Gol residents who visit the business daily for social connection and community engagement. • Accessibility Challenges: The current location at the pump station is inaccessible for those with mobility issues due to difficult terrain, long walking distances, and a lack of facilities. • Lack of Amenities: The current site lacks essential shade and seating, forcing elderly or less mobile patrons to remain in their vehicles rather than enjoying the riverfront. • Benefits of Proposed Location: The site near the tennis courts is preferred because it offers existing shade, seating, and nearby toilet facilities, making it accessible for all community members. • Exceptional Service: The owners (Jeromy and Kim) provide rare, personalized care, such as delivering coffee directly to cars for those unable	• Noted • Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. • Safety concerns best addressed by reference to the Community Road Safety Officer report

	- to walk due to weather or health. - Community Ambassadors: The business acts as a hub for Gol Gol, with the owners actively promoting local tourism, assisting lost visitors, and fostering a welcoming atmosphere. - Request for Council Action: We urge the Council to provide the business with a permanent, "proper" spot that activates the riverfront and supports local entrepreneurs who have cared for the community for two years.	
21 – James King Park	- WYCB provide a valuable service to both locals and travellers passing through Gol Gol. - The couple are highly community-minded and actively promote the Gol Gol area and local attractions. - They create a welcoming, positive atmosphere and encourage community connection through friendly customer interactions. - Their coffee van offers locals a relaxing place for a quick or extended coffee break and chat. - Current boat ramp location is not ideal due to: - Lack of seating - Limited shade - Difficult access to public toilets (up the hill) - Request to relocate the van closer to the tennis court and toilet facilities. - Proposed location would improve comfort and accessibility with seating, shade, and nearby amenities. - Relocation would further enhance services and community wellbeing in the growing township of Gol Gol.	- Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. - Safety concerns best addressed by reference to the Community Road Safety Officer report
22 – James King Park	- Writing as President of Alcheringa Tennis Club to formally support Where's Ya Coffee Bean and its Council submission for the proposed coffee van location between the tennis courts and public toilets in Gol Gol. - The club supports the proposed location as it is practical, safe, and beneficial for members and visitors. - Positioning the van adjacent to the club improves convenience and reduces the need for children and	- Reference to proposed site between tennis courts and toilets is not offered in the proposed policy. - Safety concerns best addressed by reference to the Community Road Safety Officer report

	patrons to cross the road for refreshments. • A nearby coffee van would enhance the experience for members and visitors, especially during competitions, coaching sessions, and community events. • The proposed location near toilets, shade, and seating areas is practical and creates a welcoming space for people to gather and connect. • Community-focused local businesses contribute positively to the atmosphere and growth of recreational spaces. • Given the high traffic through the James King Park area, the coffee van is seen as a natural fit that would help build atmosphere and improve the visitor experience. • As a small regional community, supporting locally owned and operated businesses is highly valued. • The business would contribute positively to the character, vibrancy, and liveability of the town. • Supporting the application would help create a welcoming community space and enhance the experience for residents and visitors alike.	
23 General	• propose that an additional fee be added for those who occupy the same site for the majority of the time. • anyone located in the same spot for 8 or more days in a fortnight, or 5 consecutive days in the same week, should be charged a fee. • The vendors operating like this are essentially operating a permanent business, while only paying a minimal annual fee. • either a weekly charge, for example, \$100 a week, or a monthly charge, should be implemented on these operators	• Propose additional charge in Councils annual Fees and Charges

The majority of the submissions received were constructed to support an existing mobile food van operator who has been using James Kink Park for 2 years. This report is asking Council to adopt a policy which recommends an alternate site at James King Park allowing the business to continue.

Options

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

- Adopt the policy as recommended or
- Not adopt the policy

Conclusion

In preparation for this Council meeting, Council's Community Road Safety Officer compiled a report related to the matters raised in the submissions and drawing a conclusion based on experience, knowledge and site inspection observations. The conclusion of that separate report states " *The proposed vendor site, adjacent to the highway, is a safer location that mitigates community exposure to unnecessary risk within the recreation al park area.*

For this reason, the nominated site within the Draft Policy is recommended for Council to adopt.

Attachments

1. Community Road Safety Officer Report - James King Park Mobile Food Vendors[📄](#)
2. Draft Mobile Food Vendor Policy[📄](#)

Community Road Safety Officer Report

Mobile Food Vendor, James King Park, Gol Gol

30th April 2026

Council currently has a dual mobile food vendor site at the South end of James King Park, Gol Gol, alongside the river and adjacent to the dock. The site is situated just off the service road. (see below)



There is no immediate parking available, other than on the grass areas. The site is also located between footpaths, which can be compromised by vehicle movements & parking. The road access is one-way, single lane, so additional vehicle movements pose greater risks to other road / park users.

The design of the park is such that vehicles have a clearly designated, one-way route and a clearly defined parking area with sufficient separation between vehicle movements and the main grass / pedestrian / play areas and tennis courts.

The current mobile vendor site locations add to the traffic volume passing through the park and increases the risk of potential conflicts with other park users.

A proposed site location next to the tennis courts would not conform to the park's design and purpose and increases unnecessary vehicle movements and the risk of conflict between vehicle and pedestrian movements.

The image below clearly illustrates the design separating the through traffic from the main play / recreational areas.



With good footpaths to separate pedestrians from the vehicles.



Separating the park areas and their purpose is a good way to mitigate risks and to ensure all community members receive a fair go with minimal exposure to potential harm.

Currently there is no posted speed limit – I would advocate for 10km/h.

The proposed new site, parallel to the state highway, adjacent to a power source, and is serviced by convenient parking and good quality pathways / seating areas – see below:



The site is also very visible from the highway and so would reduce traffic through the park looking to see if vendors are present.

Very close to the new site location there is ample parking available on the service road alongside the toilet block and children's playground areas, accessed from the State Highway.

Access to the proposed site from the service road parking is very amenable, along a wide and even footpath – with minimal risk due to traffic slowing on approach to the park's exit, visibility / line of site is good.

Conclusion: The proposed vendor site, adjacent to the highway, is a safer location that mitigates community's exposure to unnecessary risk within the recreational park area.



COUNCIL POLICY

POLICY NUMBER & TITLE:	PR016	MOBILE FOOD VENDOR POLICY
WORD DOCUMENT ID:		
VERSION:	2.0	
ADOPTED MEETING DATE:	Click or tap to enter a date.	
REVIEW DUE:	Four yearly or following change of legislation or incident	
VERSION AMENDMENTS:	Nil	

RESPONSIBLE DEPARTMENT:	Health and Planning
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MOBILE FOOD VENDOR

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 Shire Local Government Area.

3. STRATEGIC PLAN LINK

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

Strategy: 4.4 Manage public resources responsibly and efficiently for the benefit of the community

4. DEFINITIONS AND ABBREVIATIONS

TERM/WORD	DEFINITION
Activity and Activities	Means any activity requiring approval under Parts F7 Section 68 of the <i>Local Government Act 1993</i> .
Council-owned roads	Council-owned roads includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.
Local Conditions	Means the conditions of operation which apply to each local council as advised under this Policy or otherwise provide to an applicant as part of a Section 68 Principal Approval application or Request for Recognition.
Managed land	Council managed land includes all crown land and reserves within the Wentworth Local Government Area

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Mobile Business, Mobile Businesses	Means any small mobile business or businesses including an individual or sole trader carrying out an Activity, as defined above.
Mobile Food Vendor	Mobile Food Business engaging in the sale of trade or food and/or drinks on council managed or owned community land or public places requiring approval under Section 68 of the <i>Local Government Act 1993</i>
Mobile Food Vending Vehicle (MFVV)	A mobile food vending vehicle is a vehicle located on Council owned 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 <i>Road Transport Act 2013</i>.
Mutual Recognition	Refers to the recognition of another council's Principal Approval issued under Section 68 Part F7 of the <i>Local Government Act 1993</i> .
Operational Plan of Management	Refers to Council's Templates which is to be completed by Mobile Businesses and attached to the Principal Approval Section 68 Activity Application.
Public Land	Means land that is classified as community or operational land under Division1 of Part 2 of Chapter6 of the <i>Local Government Act 1993</i> .
Public Place	a) A public reserve, public bathing reserve, public baths or public swimming pool, or b) A public road, public bridge, public wharf, or public road-ferry, or c) A Crown reserve comprising land reserved for future public requirements, or d) Public land or Crown land that is not: I. A Crown reserve (other than a Crown reserve that is a public place because of paragraph (a) (b) (c) or II. A common, or III. Land subject to the Trustee of Schools of Art Enabling Act 1902, or IV. Land that has been sold or leased or lawfully contracted to be sold or leased, or e) Land that is declared by the regulations to be a public place for the purposes of this definition.
Principal Approval Section 68 Activity Application Form	Is the form to be completed by Mobile Businesses when applying for Principal Approval under Section 68 of the <i>Local Government Act 1993</i> with the Council.

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Recognition Certificate	Means the formal notification of recognition of a Principal approval issued by a Secondary council in accordance with the <i>Local Government (General) Regulation 2021</i> .
Request for Recognition	The method of requesting recognition of a Principal Approval with a Secondary Council.
Secondary Council	Means a council receiving a Request for Recognition or issuing a Recognition Certificate in accordance with 68 of the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2021</i> .
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

5.1 Approvals

5.1.1 Principal Approvals

Operators of a Mobile Food Vendor Vehicle trading on the road or in a public place must apply and receive Approval to operate as a Mobile Food Vendor before operating in the Wentworth Local Government Area. The Approval is required to use a standing vehicle or any article for the purpose of selling any article in a Public Place, in accordance with section 68 of the *Local Government Act 1993*. Approvals are subject to any conditions contained in the notice of determination.

Fees for the assessment of applications and the conducting inspections are determined by Council each year and are detailed in Council's Fees and Charges.

Applications to operate of a Mobile Food Vendor Vehicle trading on the road or in a public place must be made via e-mail to Council and be accompanied by an Operational Plan of Management. An application fee will require to be paid before assessment. The approval and notice of determination will need to be displayed at all times when onsite.

All approvals will be issued with an end date of 30 June each financial year.

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 always be valid.

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5.1.2 Recognition of Current Approvals

A Mobile Food Vendor Vehicle with a current approval issued by another NSW Council (as defined in this Policy) that is not Wentworth Shire Council, and who wish to operate in the Wentworth Shire Council Local Government Area, are required to submit a completed Request for Recognition Form along with their Principal Approval.

Council will assess the Request for Recognition in accordance with this Policy and Local Conditions and provide the applicant with an outcome of the application and either issue a Certificate of Recognition or reasons why the approval is not recognised.

Mobile Food Vendor Vehicle businesses who are issued a Certificate of Recognition will be provided with a list of Local Conditions of operation that must be complied with at all times when operating in the Wentworth Local Government Area.

5.1.3 Updates to Application and Approval Particulars

Mobile Food Vendor Vehicle businesses are required to notify Council should there be any significant changes to the nature of the Mobile Business Activities including change of business ownership, nature of products or services sold, equipment used or changes to the details outlined in the Approval Section 68 Activity Application and/or relevant Operational Plan of Management.

- a) For Principal Approvals - Mobile Businesses are to notify the issuing council first by submitting an updated Approval Section 68 Activity Application and/or relevant Operational Plan of Management.
- b) For Secondary Councils, Mobile Businesses are to notify Council by submitting an updated Request for Recognition.

5.1.4 Revocation of Approvals

Council may revoke Principal Approval or Recognition Certificate as a result of noncompliance with this Policy, Local Conditions, Local Government Act 1993 or any other relevant legislation. Council will give written notice to the Mobile Business of its intention to revoke the approval or Recognition Certificate and provide the approval holder an opportunity to show cause why the approval should not be revoked.

The powers of revoke approvals are at the discretion of the General Manager. Should this occur, refunds to the Mobile Food Vendor Vehicle operator may apply.

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5.2 Food Safety, Design & Construction of Mobile Food Vendor Vehicle

Mobile Food Vending Vehicles must be approved by Council, in accordance with the *Food Act 2003* and Regulations.

The design, construction and operation of all Mobile Food Vendor Vehicles must comply with the relevant requirements of the *Food Act 2003*, *Food Regulation 2025*, the Australia New Zealand Food Authority (ANZFA) Food Standards Code and NSW Food Authority Guidelines for food businesses at temporary events.

These provisions include requirements relating to:

- The safe handling of food – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

Details of the business operator, operation and use of the mobile food vending vehicle and compliance with relevant food safety standards must be provided in the application for approval.

A Council Officer may also carry out inspections of Mobile Food Vendor Vehicle's to check compliance with relevant food safety requirements and standards. The relevant fee is required to be paid to Council for any inspections carried out by Council's Officers, in accordance with Council's Fees and Charges.

All operators are advised that any breaches of the *Food Act 2003*, the *Food Regulation 2025*, or Food Safety Standards may be liable to Notices and Orders to ensure compliance.

5.3 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 designated trading 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

Council reserves the right to direct the Mobile Food Vending Vehicle to move on or relocate if deemed unsafe. The Mobile Food Vending Vehicle must not impact the access of other vehicles or pedestrians. Failure to comply may result in Council revoking the approval.

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5.4 Hours of Operation

The use of Council owned land for the purpose of operating Mobile Food Vending Vehicles is restricted to the following times:

- 7am to 8pm;
Or
- Other specific hours, duration, or days, as may be specified in the conditions of approval.

5.5 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 Mobile Food Vendor Vehicle operator 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.
- Disposal of all liquid wastes generated by the Mobile Food Vendor Vehicle is to be discharged 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.

5.6 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, with a minimum 50 litre capacity having 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.

5.7 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.

5.8 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:

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- 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 use of any bell, music or other sound emitting device in conjunction with the operation of a mobile food vending vehicle is strictly prohibited.
- An authorised officer may direct a mobile food vending vehicle to leave an area to mitigate or resolve a noise problem.

5.9 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.

5.10 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*.

5.11 Signage

An approval under this Policy does not imply any approval for the erection or display of any sign or advertising structure not directly attached to the Mobile Food Vendor Vehicle.

5.12 Lighting

- Lighting from Mobile Food Vending Vehicles shall not interrupt or distract traffic flows or be unreasonably observable from surrounding residential areas.
- At no time is the intensity, period of intermittency and hours of illumination to cause objectionable glare or injury to the amenity of the precinct. If, in the opinion of authorised Council officer, objectionable glare or injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- The use of flashing lights or signs is only permitted in accordance with the road regulations.

5.13 Legislation and Compliance

- Failure to obtain the prior written approval of Council to operate a mobile food vending vehicle or failure to comply with the conditions of Council's approval is an offence and Council may take the appropriate regulatory action for any breach of the *Local Government Act 1993* or *Environmental Planning and Assessment Act 1979*.
- Failure to comply with the Food Act, Regulation or food safety standards is also an offence, which may result in Council taking the appropriate regulatory action.

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6. BACKGROUND, RELATED DOCUMENTS AND LEGISLATION

Under the provisions of the *Food Act 2003*, and the Food Regulation Partnership with the NSW Food Authority, Council is the relevant enforcement agency for the retail sale of food from all premises (except butchers) within the Wentworth Local Government Area, including Mobile Food Vendor Vehicles.

This policy has been developed to supplement the relevant legislation that governs mobile food vending including provisions of the

- *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

Designated trading Locations

8. DOCUMENT APPROVAL

This Council Policy is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click or tap 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.

Signed:

General Manager Wentworth Shire Council

[Click or tap to enter a date.](#)

Date

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COUNCIL POLICY

ATTACHMENT 1 – DESIGNATED TRADING LOCATIONS

SITE 1

TOWNSHIP	Wentworth
SITE	Junction Park Cadell Street
CONDITIONS	A maximum of two (2) traders may operate from the designated bay



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SITE 2

TOWNSHIP	Curlwaa
SITE	O'Donnell Park
CONDITIONS	A maximum of one (1) trader may operate from the designated bay



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 SHIRE COUNCIL
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SITE 3

TOWNSHIP	Dareton
SITE	Dareton Boat Ramp
CONDITIONS	A maximum of one (1) trader may operate from the designated bay



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SITE 4

TOWNSHIP	Buronga
SITE	Buronga Travellers Rest
CONDITIONS	A maximum of two (2) traders may operate from the designated bay



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SITE 5

TOWNSHIP	Buronga
SITE	Buronga Riverfront
CONDITIONS	A maximum of one (1) trader may operate from the designated bay



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SITE 6

TOWNSHIP	Gol Gol
SITE	James King Park Car Park
CONDITIONS	A maximum of two (2) traders may operate from the designated bay



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9.13 DA2026/011 DOUBLE STOREY DWELLING WITH GARAGE, SWIMMING POOL WITH SAFETY BARRIER AND STORAGE SHED WITH WET AREA STURT HIGHWAY LOT 2 DP 1284408 TRENTHAM CLIFFS

File Number: RPT/26/273

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

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2026/011) was lodged with Council on 16 January 2026 for a dwelling and storage shed at Sturt Highway Lot 2 DP 1284408 Trentham Cliffs.

Under the RU4 Primary Production Small Lots zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house and ancillary development) is permitted with consent if the requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

Clause 4.2B relates to “Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4” and establishes that development consent may only be granted for dwelling houses within the specified zones in instances where:

(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies unless the land is—

(a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or

(b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or

(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.

The proposed erection of a dwelling house on the site does not meet the requirements of clause 4.2B(3)(a),(b) & (c) included above as follows:

(a) The lot is below the Minimum Lot Size (MLS) for the zone at 1.735ha where the MLS is 10ha, thus preventing the approval of a dwelling on the lot.

(b) Allotment was created using Clause 4.2 which prohibits future dwellings.

The proposed development is on land with an area of 1.735 ha, below the MLS of 10ha which permits dwellings. This variation is greater than 10%, as such, the application cannot be determined by delegated authority and must be determined by Council.

Recommendation

That Council:

1. Determine DA2026/011 for a double storey dwelling with garage, swimming pool with safety barrier and storage shed with wet area at STURT HIGHWAY LOT 2 DP 1284408 TRENTHAM CLIFFS from the two nominated options within the report.

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 DA2026/011, having consideration of the details provided both within this report and the attachments provided.

Background

A development application (DA2026/011) was lodged by Council on 16 January 2026 for a dwelling and storage shed at Sturt Highway Lot 2 DP 1284408 Trentham Cliffs.

Under the RU4 Primary Production Small Lots zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house and ancillary development) are permitted with consent. However, clause 4.2B of the WLEP 2011 establishes preconditions that must be satisfied before the consent authority can grant development consent. These preconditions relate to permissibility of a dwelling on the allotment, when the allotment is below the MLS.

- *Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies unless the land is –*
 - *A lot that is at least the minimum lot size specified for that land by the lot size map, or*
 - *A lot created under the environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
 - *A lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.*

The application is inconsistent with the specific planning principles set out in the *Wentworth Local Environmental Plan 2011*, as set out above. The development does not meet the criteria of clause 4.2B as the lot is below the MLS for a dwelling and was not a lot created under a previous environmental planning instrument where dwellings were permitted. On this basis the development of a dwelling is prohibited development.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 - Plans

Matters for consideration

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

The proposed development of a double storey dwelling with garage, swimming pool with safety barrier, and storage shed with wet area is development permitted with consent.

The development proposed does not meet the zone objectives of the RU4 Primary Production Small Lots zone of the WLEP2011. Predominantly the sites focus is on the residential use of the land, rather than any agricultural land use. The proposed agricultural use of the land as indicated on the site plans as .5ha, while the remainder of the site (approximately 1.2ha) has a focus on aspects of residential land use.

Based on the floor plan and shed inclusions, it is difficult to determine that the use outcome is not going to be for purposes related to domestic and residential ancillary purposes. Inclusions include double sliding glass doors along the west aspect; full length windows; bathroom with shower, toilet and handbasin; fully lined workshop; awning on the west aspect.

The intent of the RU4 Primary Production Small Lots (rural zone) is to permit the development of dwelling houses where they support existing agricultural land use. Existing and approved land uses in the vicinity must also be considered. In this instance neighbouring sites contain existing dwellings, it is likely these dwellings supported historical agricultural land use, however, agricultural landuse is not apparent in this location currently.

Due to the zoning and WLEP2011 mapping impacting the land, the development application was assessed against clauses 4.2B, 5.21, 7.1, 7.2, 7.4, and 7.5. The development application was able to satisfy the matters for consideration within these clauses, except for clause 4.2B.

Based on the assessment of the application the proposed development does not comply with the all the objectives of the RU4 Primary Production Small Lot zone.

Due to the location of the proposed development, it was assessed against Chapters 3 and 5 of the Wentworth Development Control Plan (DCP) 2011. The development did not fully comply with all provisions under these chapters and requires additional details to address all matters for consideration.

Requirements of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 have been met.

Requirements of the State Environmental Planning Policy (Sustainable Buildings) 2022 have been met with a BASIX Certificate and NatHERS Certificate provided with the application.

Requirements of the State Environmental Planning Policy (Resilience and Hazards) 2021 have been met. The application poses no change of use that would trigger further site investigation.

Options

Based on the information contained within this report, the following options are available:

Option 1

Refuse the application for the following reasons:

1. The application is inconsistent with the specific planning principles set out in the Wentworth Local Environmental Plan 2011. The development does not meet the criteria of clause 4.2B as the lot is below the MLS for a dwelling and was not a lot created under a previous environmental planning instrument making the dwelling a prohibited development.
2. Legal access to the site must not be directly from the Sturt Highway but conform to the requirement established within the Certificate of Subdivision via a Right of Carriage way burdening Lot 1 DP 1284408.
3. Insufficient details supplied. Further details of the development would be required, these include: Construction details of retaining walls; Retaining wall elevations; Shadow diagrams meeting all requirements; Tennis court details or new plans stating

the development is not part of the approval; Tennis court is not mentioned in the SEE; Rain water tank elevations, site plan showing access via the Right of Carriage way.

4. The proposal, therefore, does not satisfy the mandatory relevant considerations of Section 4.15 of the EP&A Act 1979 in the assessment report.

Option 2

Approve the application with the following deferred commencement condition.

Condition D1.

The allotment should go through a boundary realignment with adjoining land or subdivision, using legislation that does not prohibit dwellings on the new allotment.

Provision of additional documents:

- Complete site plan including access from Sturt Highway
- Retaining wall elevations
- Shadow diagrams meeting all requirements
- Tennis court details
- Fencing or lighting associated with the tennis court
- Rain water tank elevations

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 and assessment Act 1979*.

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 and Assessment Act 1979*.

Conclusion

Having consideration to the content of this report, it is concluded that the appropriate course of action is to review this report in conjunction with attached documents and determine whether to refuse to issue development approval subject to reasons provided or approve the application via one of the other options listed.

Attachments

1. Development Application (Under separate cover)⇒
2. Statement of Environmental Effects↓
3. Plans (Under separate cover)⇒
4. S4.15 Assessment Report↓
5. Draft Conditions of Consent↓

Reference: DA20250026

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Dwelling and Agricultural Shed
Lot 2 DP 1284408, Sturt Highway, Trentham Cliffs NSW

1. Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application for the construction of a dwelling house and an agricultural shed on land known as Lot 2 DP 1284408, Sturt Highway, Trentham Cliffs, within the Wentworth Shire local government area.

The land is zoned RU4 – Primary Production Small Lots under the Wentworth Local Environmental Plan 2011 (WLEP 2011). Development within this zone requires careful consideration to ensure that residential development does not undermine the primary production purpose of the land or result in a de-facto rural residential outcome.

This application has been deliberately framed on the basis of small-lot primary production with commercial capability, supported by horticultural use of the land. The proposed dwelling and agricultural shed are intended to function as ancillary and enabling development, supporting the productive use of the land rather than supplanting it.

2. Site Description and Local Context

The subject land comprises approximately 1.735 hectares and is legally described as Lot 2 in Deposited Plan 1284408. The land has frontage to Sturt Highway, a classified regional transport route, and is located within a broader rural landscape characterised by small-lot agricultural holdings, horticultural activity, rural sheds and dispersed dwellings.

The site is largely cleared, suitable for cultivation and free of environmental or heritage constraints that would preclude agricultural use. Surrounding land uses are consistent with the intended function of the RU4 zone.

Importantly, the site is an existing lawful allotment. The proposal does not seek subdivision, further fragmentation of rural land, or the creation of additional dwelling entitlements.

3. Description of the Proposed Development

The Development Application seeks approval for a detached dwelling house, an agricultural shed and associated awning, rainwater harvesting infrastructure, on-site wastewater disposal system, driveway access from Sturt Highway, associated landscaping and site works, and designated future citrus orchard planting areas shown on the approved site plans.

The site layout has been designed to retain substantial contiguous areas of land for productive use, with citrus planting areas distributed to avoid fragmentation and ensure that agricultural capability is not sterilised by the siting of the dwelling.

4. Planning Controls

The land is zoned RU4 – Primary Production Small Lots under the Wentworth Local Environmental Plan 2011.

The objectives of the RU4 zone include enabling sustainable primary industry and agricultural production, ensuring that rural development does not prejudice agricultural uses, and providing for rural living where it remains compatible with primary production.

The planning intent of the zone is not to prohibit dwellings outright, but to ensure that where dwellings are proposed on small rural lots, they are appropriately justified and do not result in a dominant residential land use.

5. Permissibility and Minimum Lot Size

A dwelling house and agricultural buildings are permissible with development consent in the RU4 zone.

While the LEP specifies a minimum lot size of 10 hectares, it is well established in planning practice that this standard does not operate as an absolute prohibition on development on existing undersized allotments. The relevant assessment consideration is whether the proposal is consistent with the objectives of the zone, avoids land use conflict, does not undermine agricultural outcomes, and does not result in a rural residential character.

This application does not seek to intensify development rights or set an undesirable precedent, but rather to enable the reasonable and appropriate use of an existing allotment in a manner consistent with RU4 planning intent.

6. Small-Lot Primary Production and Horticultural Use

The proposal incorporates future citrus planting as a form of small-lot primary production with commercial capability. The identified orchard areas are not residual or decorative landscaping; they are intentionally allocated productive land capable of ongoing cultivation.

Small-scale horticulture is a recognised and common land use within the Murray River region, particularly on allotments of a similar size. Such operations are frequently established incrementally, with planting and expansion occurring over time as infrastructure and management capacity allows.

7. Functional Relationship and Necessity of the Dwelling

The proposed dwelling is required to support the productive use of the land and has a clear functional relationship with the horticultural activity, including irrigation management, pest and biosecurity oversight, protection of crops and equipment, coordination of planting and harvesting activities, and on-site response to climatic events.

For small-lot horticultural enterprises, on-site residence is a legitimate operational requirement. The dwelling does not displace agricultural land and is positioned to minimise fragmentation, ensuring that agricultural use remains the primary function of the site.

In this context, the dwelling functions as an enabling component of the agricultural use, facilitating effective day-to-day management of a management-intensive horticultural activity rather than representing a standalone residential outcome.

8. Agricultural Shed and Supporting Infrastructure

The proposed agricultural shed is rural in scale, form and function and is required to support ongoing agricultural operations, including storage of horticultural machinery and tools, fertilisers and chemicals, irrigation equipment, maintenance of farm equipment, and produce handling.

The agricultural shed is intended exclusively for the storage and maintenance of farm equipment and infrastructure associated with the establishment and ongoing management of the citrus orchard, including orchard maintenance machinery, irrigation equipment, spraying apparatus and ancillary farm implements. The shed is not intended for domestic storage or residential ancillary purposes and is integral to the practical operation of the horticultural use of the land.

The scale and nature of the shed reinforces the agricultural character of the development and is disproportionate to what would ordinarily be associated with a lifestyle or rural residential use.

9. Avoidance of a Rural Residential Outcome

The proposal has been deliberately structured to avoid a de-facto rural residential outcome by retaining substantial contiguous areas of land for cultivation, siting the dwelling to minimise land fragmentation, providing agricultural infrastructure that supports productive use, and integrating horticultural activity into the site layout.

The agricultural use is not incidental to the dwelling; rather, the dwelling exists to enable the productive use of the land.

10. Planning Principles

Established NSW planning principles recognise that rural dwellings may be supported where they are functionally related to agricultural use and consistent with zone objectives. Key considerations applied in this assessment include the functional relationship between the dwelling and rural land use, avoidance of land use outcomes inconsistent with zoning intent, and the reasonable use of existing lawful allotments.

The proposal satisfies these principles by demonstrating a genuine and ongoing primary production use supported by appropriate ancillary development.

11. Conclusion

The proposed development represents an appropriate form of development on land zoned RU4 – Primary Production Small Lots.

The application enables small-lot primary production with commercial capability, provides credible horticultural use supported by appropriate infrastructure, demonstrates a clear functional relationship between the dwelling, shed and agricultural activity, avoids a rural residential outcome, and is consistent with the objectives of the Wentworth Local Environmental Plan 2011.

For these reasons, approval of the proposal would not create an undesirable precedent, as it is specific to the circumstances of an existing lawful allotment and a demonstrated form of small-lot primary production. The proposal maintains consistency with the objectives of the RU4 zone and does not erode the strategic intent of minimum lot size controls or facilitate a broader rural residential pattern.



Brent. A Williams

Managing Director

C.P.P | M.P.I.A | M.A.I.B.S

 Wentworth SHIRE COUNCIL	Health & Planning Department 61 Darling 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
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File Reference:	DA2026/011 & PAN-602449
Property Title & Address:	P243/01 -Sturt Highway Lot 2 DP 1284408 Trentham Cliffs
Property owner(s):	Vincent & Maria Cursaro
Applicant(s):	BW&A National Building Consultants
Proposal:	Double Storey Dwelling with Garage & Swimming Pool & Agricultural Shed with Wet Area
Previous DAs:	N/A
Cost of proposed development:	\$1,958,000.00
Recommendation of Officer:	To go to June 2026 Council meeting with recommendations

SITE AND SURROUNDING DEVELOPMENT

The site is Lot 2 DP 1284408 located at Sturt Highway, Trentham Cliffs. The Lot has an area of 1.735ha and connects to the Sturt Highway to the east. The site is zoned RU4 Primary Production Small Lots under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The site is a rectangular shaped lot established through subdivision of the adjoining lot to the north. The site appears to be clear of vegetation with the only vegetation (native vegetation remaining) along the waterfront area, where the site is bound to the west by the Murray River. Adjoining lots are also zoned RU4, with residential development and agricultural land uses existing. The site does not contain a heritage item and is not located within a heritage conservation area. The site is not located within a bushfire prone area, or a flood affected area. The site is located within the urban release area.

Site details are in **Table 1** and an aerial view in **Figure 1**.



Figure 1: Aerial view of the site (outlined in red).

Table 1: Site details

Zoning of the site	RU4 Primary Production Small Lots
Heritage	No
Flooding affected	No
Bushfire affected	No
Biodiversity Values mapped	No
Acid sulphate soil mapped	No
Urban release areas mapped	No

DESCRIPTION OF PROPOSAL

Council has received an application for a two storey, seven (7) bedroom dwelling, with garage, swimming pool with safety barrier and pool pavilion.

To support the proposal, the applicant has provided the following information:

- *Development approval is sought for a two-storey dwelling.*
- *The proposed two storey dwelling, including the pool pavilion, has a total floor area of 1178.89 square meters. The ground floor of the dwelling will consist of:*
 - *a guest bedroom with ensuite*
 - *Laundry*
 - *2 bedrooms*
 - *Powder room*
 - *Porch*
 - *Entryway*
 - *Elevator*
 - *Stair case*
 - *Single garage*
 - *Double garage*
 - *Dining/living*
 - *Kitchen/pantry*
 - *Pool pavilion*
 - *Gym*
 - *Bathroom*
 - *Pool equipment storage*
- *The first floor will consist of:*
 - *Master bedroom with ensuite, dressing area & balcony*
 - *Retreat*
 - *3 bedrooms (one with walk in robe & ensuite)*
 - *Bathroom*
- *The overall building will have a maximum height of 7.650m from the natural ground level.*
- *The swimming pool measures 15m x 4m with a waterfall edge to the west end. The proposed safety barrier will be glass.*
- *An agricultural shed also forms part of the proposed development. The agricultural shed will measure 12m x 36.5m with a lined (12m x 12m) workshop, with sliding glass doors and a bathroom. The agricultural shed element will have a connecting personal access door to the lined workshop and have 3, 4500mm x 5000mm roller doors along the south aspect. A personal access door is proposed along the North side. At the*

- workshop end of the agricultural shed there will be a 6m covered apron. The over all floor area of the agricultural shed is 438m². The overall height of the awning at the workshop end of the agricultural shed is 4.9m. The walls of the agricultural shed have a height of 6m, with the overall height measuring 7.050m.
- Rain water storage tanks shown on site plan (no elevations provided) - plans indicate 3 x 27,500 litre tanks.
 - No plans for tennis courts provided – if these are not part of the approval it should be removed or labelled.
 - Plans for tennis court fencing or lighting?
 - No elevation plans for retaining walls have been provided
 - Shadow diagrams for June? Only September provided.
 - Fully lined workshop – should this building be included within the BASIX Certificate as a habitable room?

Further details are contained in **Figures 2 to 8**, below.

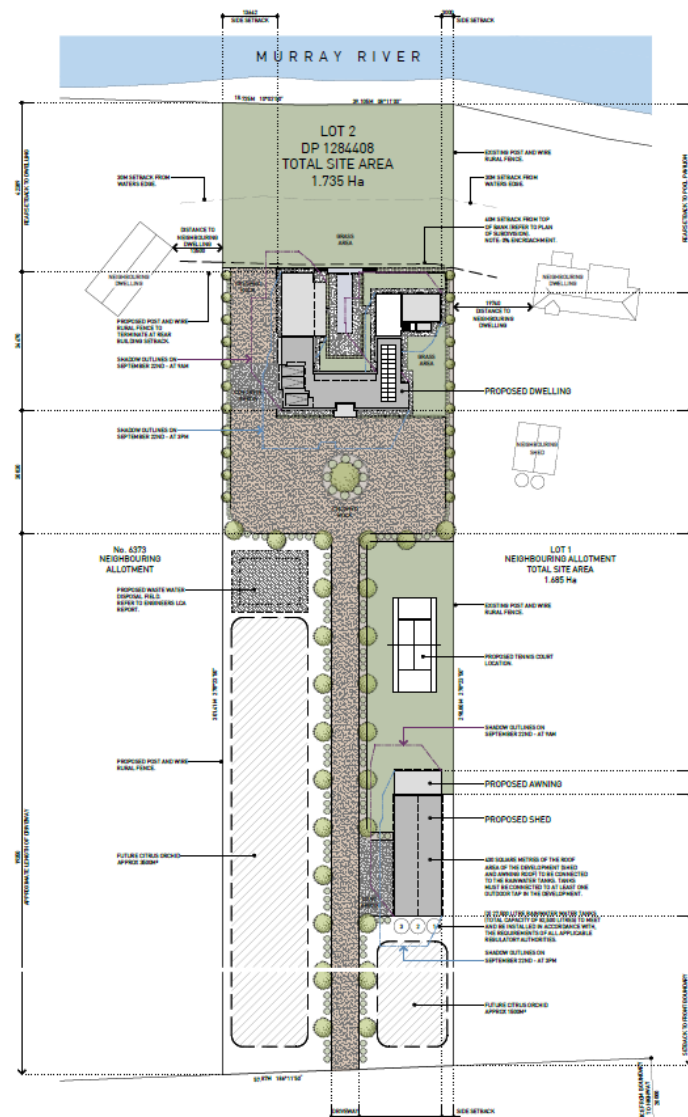


Figure 2. Site plan.

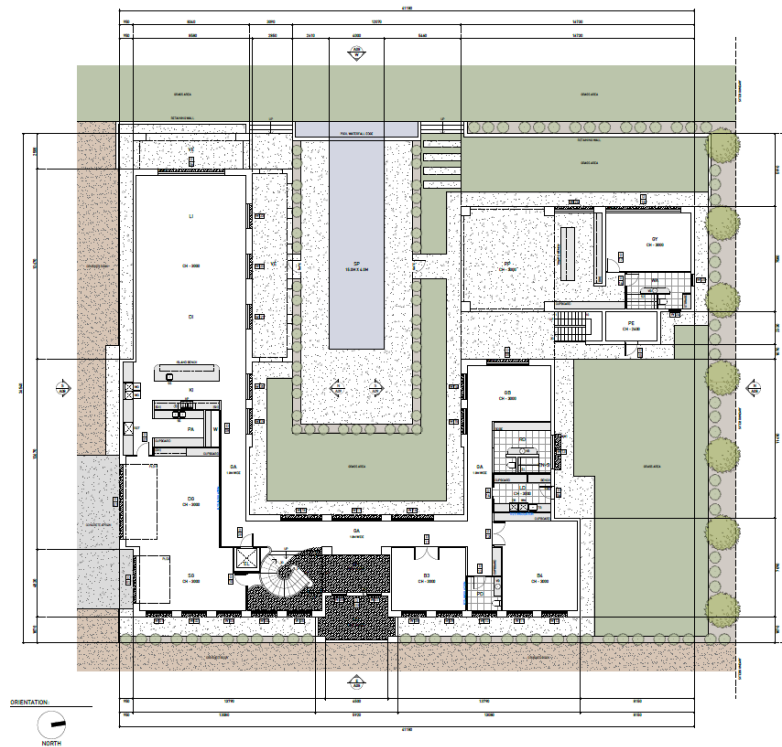


Figure 3. Floor plan - Ground floor.

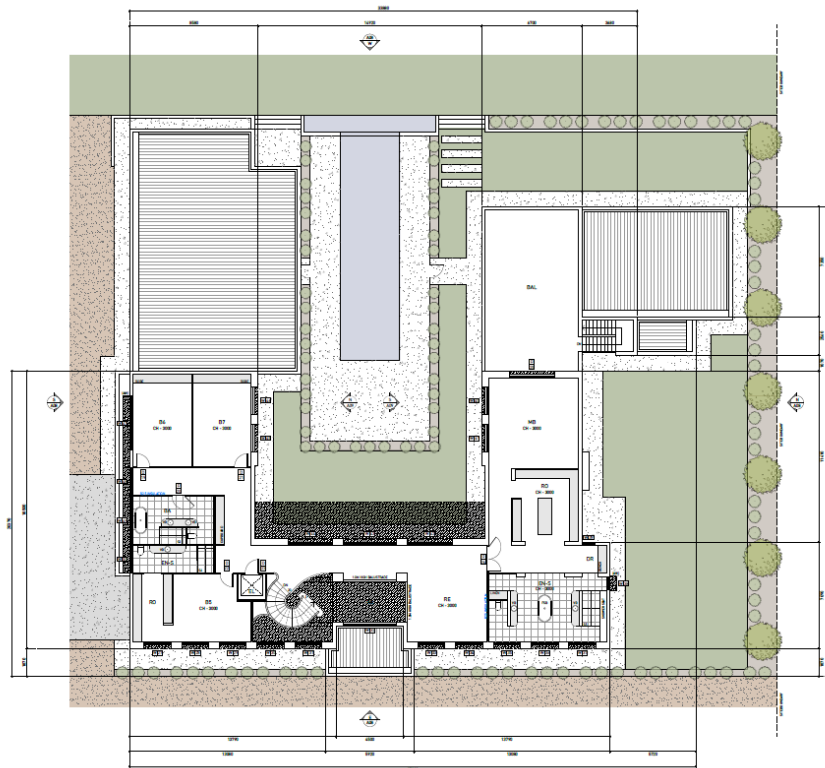


Figure 4. Floor plan – first floor.

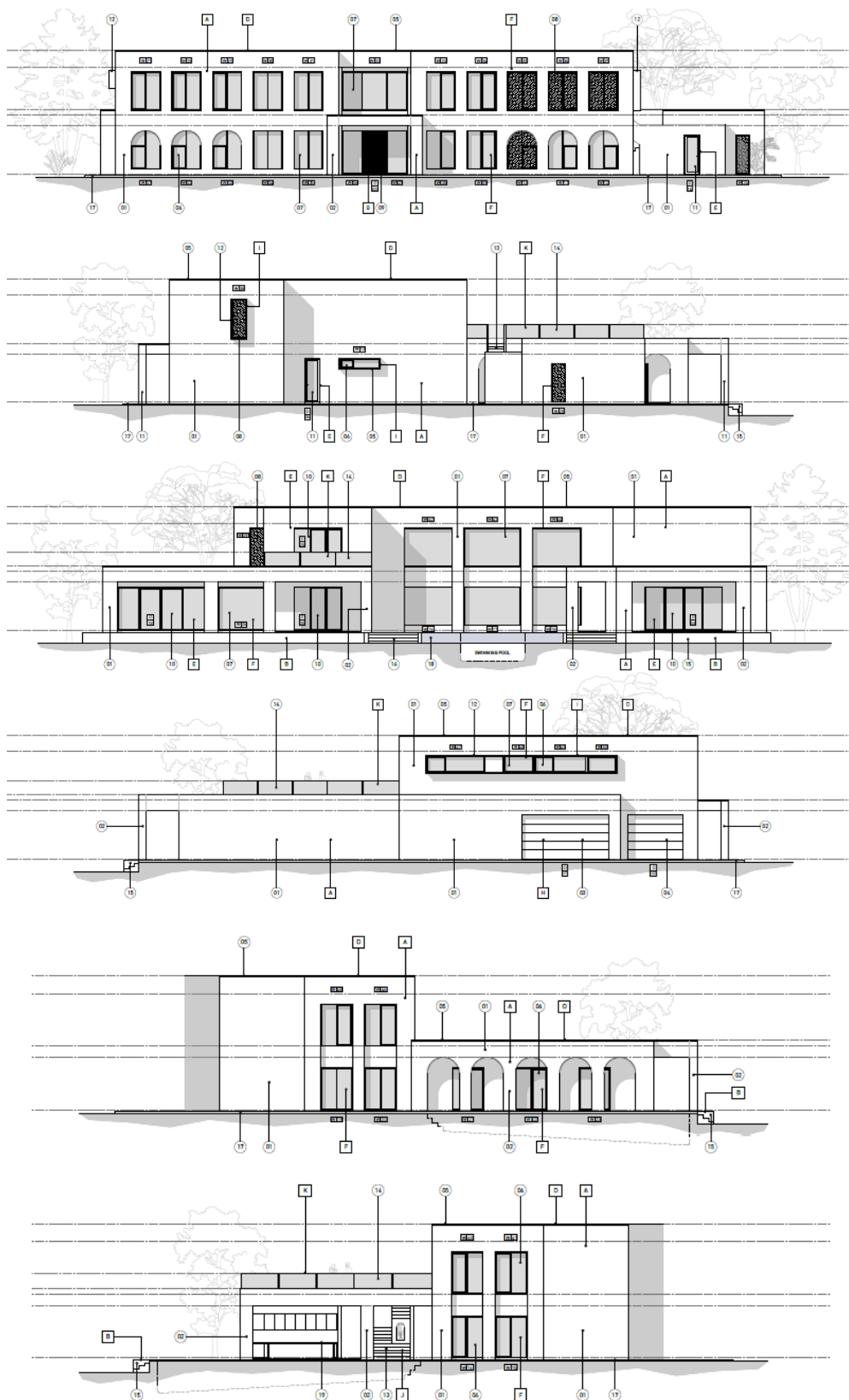


Figure 5. Dwelling elevations.

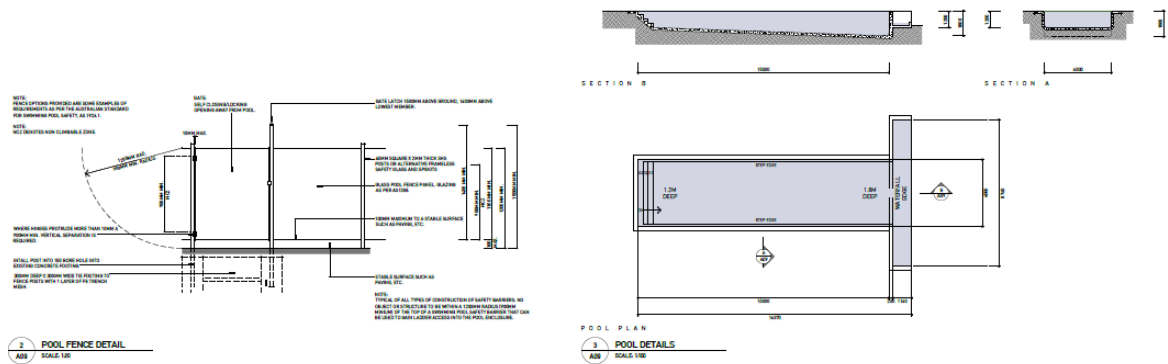


Figure 6. Pool & safety barrier details.

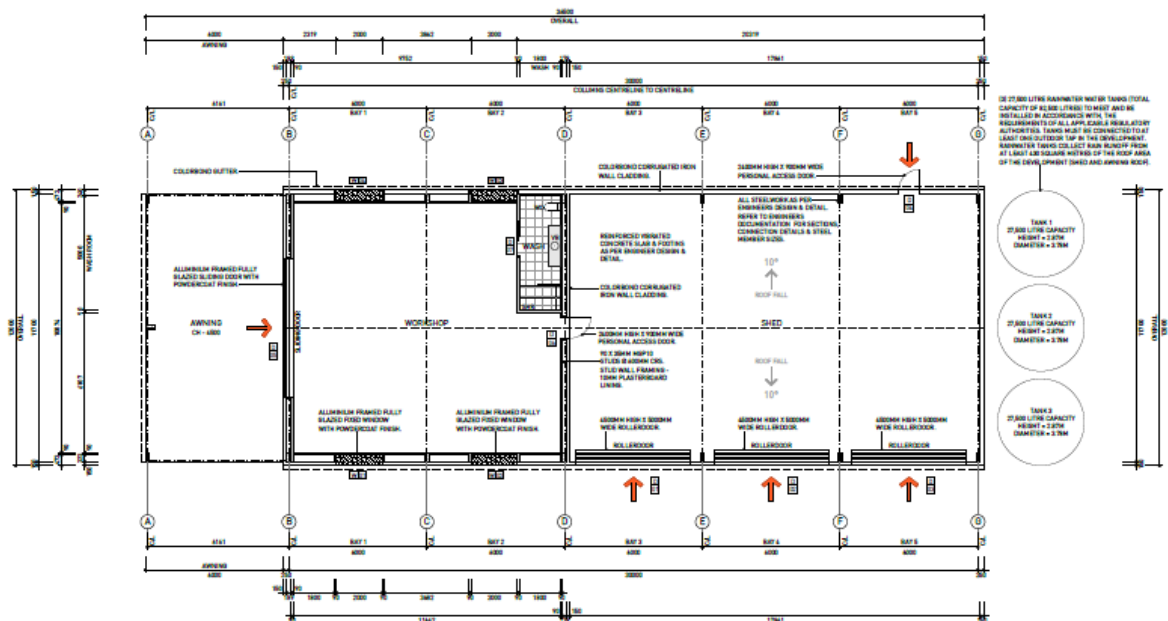


Figure 7. Storage shed floor plan.

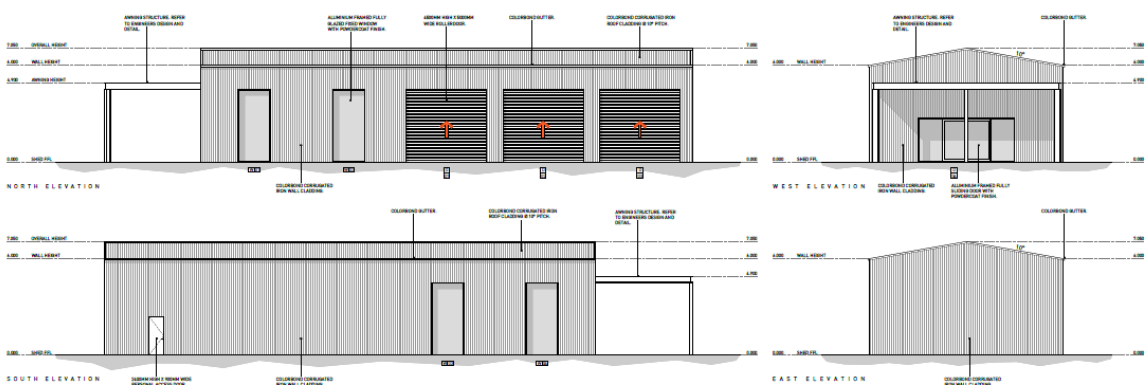


Figure 8. Storage shed elevations.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

16 January 2026	The development application was lodged with Council.
27 January 2026	The development application was placed on 14 days public exhibition until 10 February 2026.
18 February 2026	A request for additional information was submitted to the portal, requesting the following: Legal justification pertaining to the development of a dwelling on a site created under c4.2 of the LEP where future dwellings upon the resulting allotment below the MLS is prohibited.
6 March 2026	The applicant provided a response to the above RFI regarding the prohibited use arguing that the development is permissible.
22 April 2026	A request for additional information was submitted to the portal, with supporting caselaw stating that Councils position on the matter is that the development is prohibited and will complete assessment based upon the information as it has been provided.
23 April 2026	The applicant requests Council to continue to assess the application in accordance with 4.15 of the EP&A Act 1979.

Note: the below RFI has not been added to the portal due to the development being prohibited following subdivision of the site.

As part of the assessment process, the following additional information is required:

- A tennis court is part of the development on the site plan. The tennis court is not mentioned in the SEE as being part of the application. This aspect must be deleted from the site plan or labelled as "Not part of this application". Are there any lights or fencing for the tennis court area?
- Details of retaining walls have not been provided.
- Elevations to be provided for rain water tanks.
- Shadow diagrams only indicate September impact. Shadow diagrams must reflect June and September shadow impacts at 9am, 12 noon, and 3pm.
- Complete site plan including Right of Carriage way access to be used to access the proposed development from the Sturt Highway via the adjoining land Lot 1 DP 1284408, as per condition 7 of DA2018/045, under which the allotment was created.

SECTION 4.15 ASSESSMENT – EP&A ACT 1979

The following is an assessment of the application under Section 4.15(1) of the EP&A Act 1979.

(1) Matters for consideration – general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:*
 (i) *any environmental planning instrument,*

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 Vegetation in non-rural areas

This chapter applies relevantly to land in zones RU5, R5, E1, E3, E4, SP1, SP2, SP3, RE1, RE2, C2, C3, C4. Part 2.2 (relevantly and generally) applies to clearing of native vegetation above the Biodiversity Offset Scheme threshold where an approval from the Native Vegetation Panel is required. Land clearing is not identified as part of the application. Part 2.3 does not apply as the WDCP does not declare any vegetation to be that to which Part 2.3 applies. Part 2.5 does not apply as the Council is not within the allowable clearing areas mapped.

Chapter 3 Koala habitat protection 2020

Chapter 3 applies (relevantly) to land in the RU1 Primary Production and RU3 Forestry zones with an area of more than 1 hectare or which together with adjoining land in the same ownership has an area of more than 1 hectare. The site is not within either of these zones, therefore, the Chapter does not apply.

Chapter 5 River Murray lands

Chapter 5 applies to riverine land of the River Murray in the Wentworth Shire. The River Murray is defined to include:

- The waters of the main channel of the Murray River and its bed and banks (Murray River), and
- The waters and the bed and banks of its tributaries and associated water bodies (including related anabranches, creeks, lagoons, lakes, billabongs and wetlands), as shown on the map.

The chapter does not apply to the application.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate (Certificate number: 1827653S; Date of issue: 18 December 2025) has been issued in accordance with the standards of the State Environmental Planning Policy (Sustainable Buildings) 2022, and the commitments required by this certificate have been satisfied and included on the development plans.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration. A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The application proposes the addition of a dwelling to the agricultural site with the inclusion of an orange orchard continuing use appropriate to the zone, as such, the development does not involve a change of use that would trigger further site investigation.

WENTWORTH LOCAL ENVIRONMENTAL PLAN (WLEP) 2011

The development site is subject to WLEP 2011.

Part 2 – Permitted or Prohibited Development

The site is zoned RU4 Primary Production Small Lots, where the development of a dwelling & agricultural shed is permissible on the site with development consent.

Objectives of zone:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Does the proposed development meet the zone objectives as listed within the WLEP2011 as outlined above?

Objective 1 – The practice of sustainable agricultural practices on a lot within the RU4 zone with an area of 1.7ha to produce citrus is a use acceptable within the zone. This land use could be considered compatible with other land uses in the shire.

Objective 2 – The proposed citrus orchard is small in nature at 5000m² or .5ha as indicated on the accompanying plans. The remainder of the site is used for the dwelling, swimming pool and agricultural shed at approximately 1.2ha. Predominantly the site has a focus on the residential side of the land use. A small intensive citrus orchard is likely to be planted at a ration of 300 to 700 trees per hectare resulting in plantings of between 150 – 350 trees depending on tree type and density. The SEE states that the proposed agricultural shed is “rural in scale, form and function and is required to support ongoing agricultural operations, including storage of horticultural machinery and tools, fertilisers and chemicals, irrigation equipment, maintenance of farm equipment, and produce handing”. The SEE goes on to state the shed is “intended exclusively” to support the agricultural land use and is not intended for domestic storage or residential ancillary purposes.

Based on the floor plan and shed inclusions, it is difficult to determine that the use outcome is not going to be for purposes related to domestic and residential ancillary purposes. Inclusions include: double sliding glass doors along the west aspect; full length windows; bathroom with shower, toilet and handbasin; fully lined workshop; awning on the west aspect.

Objective 3 – The intent of the RU4 Primary Production Small Lot (rural zone) zone is to permit the development of dwelling houses where they support an existing agricultural land use. It is also to ensure that existing and approved uses of land in the vicinity have been taken into account:

Lot immediately to the North = Lot 1 DP1284408 – 6389 Sturt Highway Trentham Cliffs – previous development applications include:

DA188/02 Dwelling extension

~~DA11/155 2 lot subdivision – withdrawn~~
~~DA2017/006 Boat ramp & retaining walls – refused~~
 DA2018/045 2 lot subdivision
 DA2022/131 water supply infrastructure

Lot immediately to the South = Lot 25 DP756936 – 6373 Sturt Highway Trentham Cliffs – There are no previous development applications for this site although a dwelling exists on the site.

Although these allotments may have had a historical agricultural use, neither allotment appears to have a current use related to agriculture.

Part 4 – Principal Development Standards

Part 4 Principal Development Standards are not applicable to this application.

Applicable WLEP 2011	Development Standard	Proposal	Compliance
4.2B Erection of dwelling houses in zone RU1, RU4, R5, C3, C4	Must comply with the minimum lot size, was permissible prior to this LEP	The application is not compliant with the MLS for the RU4 zone at 1.735ha where the MLS is 10ha. Additionally, the erection of a dwelling on the site is not permissible (clause 4.2) of the LEP 2011 under which the subdivision creating Lot 2 DP 1284408 was assessed (DA2018/045).	Not compliant

The assessing officer requested legal justification from the applicant addressing the permissibility of a dwelling on the site with the following response provided by the applicant added to the NSW planning portal dated 06/03/2026:

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

PAN-602449

Lot 2 DP 1284408

Sturt Highway, Trentham Cliffs NSW 2738

Subject: Legal Justification – Clause 4.2(5) Wentworth Local Environmental Plan 2011

1. Threshold Issue – Jurisdiction

Council has requested legal justification on the basis that Clause 4.2(5) provides: “A dwelling cannot be erected on such a lot.” The determinative question is whether Clause 4.2(5) operates as a land use prohibition removing jurisdiction, or is properly characterised as a development standard capable of variation under Clause 4.6. For the reasons below, Clause 4.2(5) is a development standard within the meaning of s 1.4 of the Environmental Planning and Assessment Act 1979 and Clause 4.6 provides a lawful pathway for determination.

2. Effect of DA2018/045 – Creation of Lot 2

Council granted consent (DA2018/045) on 14 November 2018 for a 2-lot subdivision of Lot 24 DP 756936. That consent created Lot 2 and did not impose any condition prohibiting a dwelling, nor require registration of any restrictive covenant. The consent required separate access and electricity availability to Lot 2.

The assessment report prepared by Council for DA2018/045 also provides important contextual guidance. In that report, Clause 4.2 of the Wentworth Local Environmental Plan 2011 is described as a “development control” and the subdivision was supported on the basis that similar subdivisions had been approved in the locality and that the proposal would not result in significant land use conflict. The report does not record any intention that the creation of Lot 2 would permanently extinguish the ability for a dwelling to be considered on the lot, nor was any condition imposed or restriction registered on title to that effect. Rather, the assessment acknowledges that the only potential issue arising from the subdivision could be future land use conflict associated with a dwelling on the lot, indicating that the possibility of residential development was considered as a planning matter rather than a legal impossibility. Lot 2 DP 1284408 now exists as a lawful Torrens title allotment. The imposition of servicing requirements indicates that Lot 2 was intended to function as an independent rural allotment, rather than a purely notional residual parcel.

3. Proper Construction of Clause 4.2(5)

Under the Standard Instrument LEP structure, land use permissibility is determined exclusively by the Land Use Table. Development standards regulate how development may be carried out. In the RU zone, a dwelling is permissible with development consent. Clause 4.2(5) does not amend the Land Use Table nor designate dwellings as prohibited development. Section 1.4 of the Environmental Planning and Assessment Act 1979 defines a development standard as a provision that regulates the carrying out of development. Clause 4.2(5) regulates whether development may occur on a defined class of lot and therefore satisfies that definition. Negative wording does not convert a development standard into a prohibition. The clause regulates development consequences of subdivision rather than altering permissibility.

The character of a provision is determined by its legal effect within the instrument as a whole, not by its grammatical form. The use of negative language does not transform a regulatory control into a prohibition where the underlying land use remains permissible under the Land Use Table. Clause 4.2(5) does not alter permissibility; it regulates the circumstances in which development may occur on a defined subclass of lots. The distinction between a development standard and a land use prohibition is also reflected in the structure of the Standard Instrument LEP. Under the Standard Instrument LEP, land use

permissibility is ordinarily expressed through the Land Use Table for the relevant zone. Clause 4.2(5) does not amend the Land Use Table and does not identify dwellings as prohibited development within the RU1 zone. Instead, it regulates the circumstances in which development may occur on lots created through Clause 4.2. In that respect, the clause operates in the same manner as other development standards that regulate development outcomes and which are capable of variation through the mechanism provided by Clause 4.6. Nothing within Clause 4.2 expressly excludes the operation of Clause 4.6, and in the absence of such exclusion the development standard remains capable of variation in accordance with the statutory framework of the LEP.

4. Availability of Clause 4.6

Clause 4.6 applies to development standards unless expressly excluded. Clause 4.2 is not excluded. In *Wehbe v Pittwater Council* [2007] NSWLEC 827, the Court confirmed the flexibility clause is to be given a beneficial construction. In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Court clarified that environmental planning grounds must justify the extent of the contravention. Council therefore retains jurisdiction to grant consent, subject to satisfaction of Clause 4.6, because Clause 4.2(5) operates as a development standard rather than a land use prohibition. Accordingly, the existence of Clause 4.2(5) does not remove jurisdiction from the consent authority but instead requires consideration of whether the development standard should be varied having regard to the statutory tests in Clause 4.6. Consistent with the reasoning in *Wehbe v Pittwater Council* [2007] NSWLEC 827, flexibility provisions such as Clause 4.6 are intended to permit variation of development standards where strict compliance would be unreasonable or unnecessary in the planning context.

5. Clause 4.6(3)(a): Unreasonable or Unnecessary

Compliance with Clause 4.2(5) is unreasonable or unnecessary because: • The subdivision has already lawfully occurred; • Council imposed no restriction extinguishing building entitlement; • Access and electricity servicing indicate intended functional independence; • No additional fragmentation arises; • The objectives of Clause 4.2 are achieved notwithstanding the variation. Refusal would sterilise a lawful planning unit without advancing the planning purpose of the clause.

Clause 4.2(1) identifies the objective of the clause as being to provide flexibility in the application of standards for subdivision in rural zones to allow landowners a greater opportunity to achieve the objectives for development in the relevant zone. That objective is not undermined by the proposed dwelling. The subdivision has already been assessed and approved. The proposed development does not compromise rural land integrity, agricultural capability or strategic planning outcomes. The objective of the clause is therefore achieved notwithstanding non-compliance with subclause (5).

6. Clause 4.6(3)(b): Sufficient Environmental Planning Grounds

The site-specific environmental planning grounds include: • Physical suitability of the land; • Compatibility with surrounding rural land uses; • Maintenance of rural character; •

Absence of adverse agricultural impact; • No further fragmentation of primary production land. These grounds directly justify the extent of the departure.

Importantly, the environmental suitability of Lot 2 was implicitly assessed at the subdivision stage. Council approved its creation as a separate rural allotment, required independent access, and required electricity servicing. No environmental constraints were identified at that time that would render the lot unsuitable for lawful development. The proposed dwelling does not introduce impacts beyond those ordinarily associated with rural residential development and does not erode primary production capacity.

7. Public Interest

Granting consent would be in the public interest because it is consistent with the objectives of Clause 4.2, the RU zone, and orderly and economic use of land under section 4.15 of the EP&A Act. The proposal concerns development on an existing allotment and does not create a subdivision precedent.

It would not be in the public interest for Council to create and service a lawful Torrens title allotment and subsequently assert that the allotment is permanently incapable of supporting a land use that remains permissible within the zone, in the absence of any express restrictive condition or covenant. Such an outcome would be internally inconsistent within the planning framework and contrary to principles of orderly and economic use of land.

8. Conclusion

Clause 4.2(5) regulates the carrying out of development on a defined class of lot and does not alter land use permissibility under the RU zone Land Use Table. It therefore falls within the statutory definition of a development standard under s 1.4 of the EP&A Act and is capable of variation under Clause 4.6. The requirements of Clause 4.6(3) and (4) are satisfied. Accordingly, the planning history of the land — including Council's own assessment of DA2018/045 which characterised Clause 4.2 as a development control and did not record any intention to extinguish future residential consideration on Lot 2 — reinforces that Clause 4.2(5) operates as a regulatory development standard rather than a land use prohibition.

Council therefore retains jurisdiction to determine the development application on its merits.

In response to the above details provided, the assessing officer notes that the applicant was under no direction to provide an assessment against clause 4.6 (variation to a development standard) as this application cannot be considered under this clause.

Councils' stance on the matter was uploaded to the portal on 22 April 2026 as follows:

As BW&A were the applicants for the subdivision of land under DA2018/045, it can be assumed that the legislation applicable to the assessment and the clauses used during assessment were known. Despite the notice of determination not having specific conditions outlining the restriction placed upon the site for future dwellings, this clause was current and applicable at the time of determination within the Wentworth Local Environmental Plan 2011. Based upon this restriction within the assessment of the application under 4.15 of the EP&A Act, council are unable to support the development proposed.

Council provides the following in support of this decision:

Clause 4.2 of the LEP

1. It is considered that Clause 4.2 of the LEP acts as a prohibition against the erection of a dwelling on a lot created by a subdivision in certain zones (including RU4) of less than the minimum lot size for the following reasons:

a. DA2018/045 approved the subdivision of land. The decision of Preston CJ in *Vollmer v Port Stephens Council* [2025] NSWLEC 120 *Vollmer v Port Stephens Council* - NSW Caselaw

b. Clause 4.2 is not a development standard capable of being varied by clause 4.6 of the LEP, rather it is an exception to the provisions of Clause 4.1. See Robson J in *Elimatta Pty Ltd v Read and Anor* [2021] NSWLEC 75 *Elimatta Pty Ltd v Read and Anor* - NSW Caselaw

c. As land was subdivided for the purposes of primary production to create a lot of a size less than the minimum lot size and is not a development standard capable of being varied by clause 4.6, the proposed development for a dwelling house is prohibited.

d. The application must therefore be refused or withdrawn.

The definition of development standard is set out in the EP & A Act section 1.4 as follows:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,

(b) the proportion or percentage of the area of a site which a building or work may occupy,

(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,

(d) the cubic content or floor space of a building,

(e) the intensity or density of the use of any land, building or work,

- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

Clause 4.2 reads as follows:

4.2 Rural subdivision

1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape, (baa) Zone RU3 Forestry,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone RU6 Transition.

Note. When this Plan was made, it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

Clause 4.2(3) sets a standard enabling subdivision for the purpose of primary production to create lots of less than the minimum lot size.

Clause 4.2(5) does not set any standard. It simply states that if a lot has been created under clause 4.2(3), no dwelling can be erected on that lot. It is a prohibition.

Australian Unity Funds Management Ltd in its capacity as Responsible Entity of the Australian Unity Healthcare Property Trust v Boston Nepean Pty Ltd & Penrith City Council [2023] NSWLEC 49

<https://www.caselaw.nsw.gov.au/decision/187e46dc6b2fa77a22896d03>

In *Australian Unity Funds*, Pepper J provided a background to determination of what is a development standard and cited *Strathfield Municipal Council v Poynting* [2001] NSWCA 270; (2001) 116 LGERA 319 at [95]). At [96] Pepper J cites Poynting:

96 The matters in the construction of the definition discussed by Mahoney JA in *North Sydney Municipal Council v P D Mayoh Pty Ltd (No 2)* mean that, in order that a provision fall within the definition as a development standard, there must be a development in respect of an aspect of which the provision specifies a requirement or fixes a standard. A provision prohibiting the development in question (the use of land, subdivision of land, erection of a building etc, see the definition of ‘development’ in the Act) under any circumstances will be a provision controlling development, but it will not be a development standard. The availability of SEPP No 1 will fail at the first step.

97 Beyond this, the debate should be over the second step, whether the provision specifies a requirement or fixes a standard in relation to an aspect of the (non-prohibited) development. I consider one can profitably return to the observations of McHugh JA in *Woollahra Municipal Council v Carr*, to his Honour's reminder of the need to define the development and its aspects before it can be determined whether the provision in question is a development standard. Referring again to the definition of “development standards”, there must be a provision in relation to the carrying out of development, and then the provision must specify a requirement or fix a standard in respect of an aspect of that development. Having identified the development in relation to which there is the provision, the aspects of that development must be considered in order to say whether the provision specifies a requirement or fixes a standard in respect of an aspect of the development.

98 If the provision does not prohibit the development in question under any circumstances, and the development is permissible in circumstances expressed in the provision (whether positively or negatively, see the forms of provision earlier stated), in most instances the provision will specify a requirement or fix a standard in respect of an aspect of the development. In the absence of control, and subject for example to the private law of nuisance, a landowner may develop his land as he sees fit. Control by complete prohibition on the development in question will not leave room for requirements or standards. But anything less than complete prohibition means that there can be the development in question, and provided a relevant aspect of the development is identified the control will be

by imposition of a development standard. The issue with clause 4.2(5) is that once we are dealing with a lot which is less than the minimum lot size created under clause 4.2(3), there are no standards which are fixed in relation to the erection of a dwelling – it is not permissible if the dwelling was of a certain size, or was erected for a specific purpose etc, - there are simply no circumstances under which it is considered able to be erected. That is a prohibition. That is the approach taken by the Department of Planning for a similar situation of a dwelling house on a small lot created under clause 4.2, where the Department said it could not entertain a clause 4.6 because clause 4.3(5) prevented such a dwelling.

The applicant provided the following 23 April 2026:

The response addresses the jurisdictional position raised by Council and clarifies the proper construction of the provision in the context of the WLEP 2011 and the planning history of the site. It also demonstrates that, in the alternative, the Clause 4.6 written request is capable of support on the merits.

The applicant requests that the application proceed to determination.

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

DA20250026

PAN-602449

Lot 2 DP 1284408 – Sturt Highway, Trentham Cliffs NSW

Subject: Council’s jurisdictional position – Clause 4.2(5) WLEP 2011

Council’s request proceeds on the basis that clause 4.2(5) of the Wentworth Local Environmental Plan 2011 (“WLEP 2011”) operates as an absolute prohibition on the erection of a dwelling, such that the consent authority lacks jurisdiction to determine the present development application and must refuse it.

That position is incorrect in law and should not be maintained.

Properly construed in its statutory context, and having regard to the planning history of the land, clause 4.2(5) does not operate to remove jurisdiction in the present case. Council’s conclusion that the application “must be refused or withdrawn” represents a mischaracterisation of the statutory framework and an incorrect application of the relevant authorities.

Council’s approach improperly collapses a contested question of statutory construction into a predetermined refusal outcome, which is inconsistent with its obligations as consent authority.

1. Planning history and the legal significance of DA2018/045

On 14 November 2018 Council granted consent to DA2018/045 for a 2 lot subdivision of Lot 24 DP 756936 at 6389 Sturt Highway. The consent contains no condition prohibiting a future dwelling on proposed Lot 2, no requirement for a restrictive covenant, and no notation on the endorsed plan identifying Lot 2 as permanently sterilised from dwelling development. To the contrary, the consent required separate access to Lot 2 from Sturt Highway and required the applicant to ensure electricity availability to Lot 2 before release of the subdivision plans. Those are not incidental drafting matters; they are objective indicators that Council approved Lot 2 as an independently functioning allotment.

Council's own 2018 section 4.15 assessment report is even more important. In that report Council expressly recorded that the site was in the RU1 Primary Production zone, that the subdivision was permissible with consent, and that "under clause 4.2, no dwelling can be located on new subdivisions smaller than the minimum Lot size. However, an exception can be made to the development control because of similar subdivisions approved in the area." The same report then stated that "the only possible issue might be land use conflict of the Lot with dwelling," found the site suitable, recorded no significant impacts, and concluded that the proposal satisfied s 4.15. That is Council's own contemporaneous characterisation of cl 4.2: not as an immutable jurisdictional bar, but as a development control to be weighed in planning terms. It also shows that Council itself contemplated the prospect of a future dwelling on Lot 2 as a planning question, not as a legal impossibility.

That planning history matters. Council cannot now ignore its own contemporaneous assessment and recast the same planning framework as though the subdivision consent had always operated to extinguish any future dwelling entitlement on Lot 2. If that was Council's intention in 2018, the consent and conditions were the place to say so. They did not.

This position cannot be reconciled with a claim that clause 4.2(5) operates as an absolute prohibition, as Council itself treated the provision as a discretionary planning control at the time of determination. In particular, Council's identification of a future dwelling as a "possible issue" confirms that clause 4.2 was applied as a matter of planning judgment, not as a jurisdictional bar.

2. Proper construction of cl 4.2 in the context of the WLEP 2011

Clause 4.2 is located within Part 4 – Principal development standards of the WLEP 2011. Its stated objective is "to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone." Subclause (3) permits subdivision for the purpose of primary production below the mapped minimum lot size, and subclause (5) provides that "[a] dwelling cannot be erected on such a lot." Clause 4.6 applies to development standards imposed by the instrument unless expressly excluded, and clause 4.2 is not identified as an excluded provision.

The statutory context is therefore critical. The WLEP 2011 does not treat clause 4.2 as a freestanding prohibition outside the development standards framework. Rather, it is located within the principal development standards of the instrument and operates within the same structural framework as clause 4.6. While headings are not determinative, they

form part of the statutory context and reinforce that clause 4.2 is intended to operate as part of the development standards regime.

The Courts have recognised that the distinction between a development standard and a prohibition is not always clear-cut. In *Henroth Pty Ltd v Canterbury-Bankstown Council* [2024] NSWLEC 1700, it was observed that the “demarcation line” between provisions properly characterised as development standards and those that operate as prohibitions is “far from clear”. Characterisation requires consideration of the function and operation of the clause within the instrument as a whole, rather than reliance on form alone.

The present case is distinguishable from *Elimatta Pty Ltd v Read* [2021] NSWLEC 75. In that matter, the Court was concerned with a clause operating as an exception mechanism within a subdivision standard, where the clause itself did not specify or fix a standard but instead controlled access to another operative provision. The clause functioned as a gateway to determine whether a variation to the minimum lot size standard could be engaged, rather than regulating the carrying out of development in its own right.

By contrast, clause 4.2(5) does not operate as an exception to another provision, nor does it form part of a numerical standard controlling subdivision outcomes. Rather, it operates directly upon the carrying out of development on land following subdivision. In that respect, the present case is materially different to *Elimatta*, and that decision does not determine the proper characterisation of clause 4.2(5) in this context.

Critically, unlike the clause considered in *Elimatta*, clause 4.2(5) continues to operate after subdivision has occurred and applies to the subsequent use and development of land. It is not spent upon the grant of subdivision consent, but instead imposes an ongoing control on development outcomes. In that respect, it functions as a substantive planning control directed to development itself, rather than as a gateway provision regulating the availability of another standard.

Further, the authorities relied upon by Council do not establish that all negatively expressed provisions are to be characterised as prohibitions. As confirmed in *Australian Unity Funds Management Ltd v Boston Nepean Pty Ltd & Penrith City Council* [2023] NSWLEC 49, the characterisation of a provision depends on whether it specifies a requirement or standard in relation to the carrying out of development. A clause may properly be characterised as a development standard where it regulates the circumstances in which consent may be granted, even if expressed in restrictive or negative terms.

Properly construed, clause 4.2(5) is better characterised as a development standard regulating the carrying out of development on a defined class of lot, rather than as a freestanding prohibition. It operates to control whether a dwelling may be erected on land created under clause 4.2(3), without altering the underlying permissibility of a dwelling house within the RU1 zone under the Land Use Table.

This construction is also consistent with the broader structure of the WLEP 2011. The instrument contains additional clauses specifically regulating dwellings within the RU1 zone, including clauses 4.2B and 4.2D, which impose criteria to be satisfied before consent may be granted. That framework demonstrates that the LEP regulates dwellings through

layered controls and assessment criteria, rather than through the imposition of absolute prohibitions unless clearly expressed.

Accordingly, clause 4.2(5), properly construed in context, operates as a control on the carrying out of development rather than as a provision that removes jurisdiction. It does not, of itself, preclude the application of clause 4.6 or the determination of the development application on its merits.

3. Council's own 2018 reasoning is inconsistent with its present "no jurisdiction" position

Even if Council maintains that clause 4.2(5) is capable, in some circumstances, of operating as a prohibition, that is not determinative of the present application. The critical question is whether, in the context of this allotment and its planning history, the clause operates to remove jurisdiction.

It does not.

Council's 2018 assessment report does not support the position now advanced. At no point did Council determine that the creation of Lot 2 would permanently extinguish the ability to consider a dwelling. It did not characterise a dwelling as prohibited development. It did not recommend or impose any condition or covenant to that effect. Instead, it expressly identified that "the only possible issue might be land use conflict of the Lot with dwelling", approved separate access, required electricity servicing, and concluded that the subdivision was suitable and consistent with section 4.15 of the Environmental Planning and Assessment Act 1979.

Those findings cannot be reconciled with the proposition that clause 4.2(5) operates as an absolute prohibition removing jurisdiction.

Council's own assessment demonstrates that clause 4.2 was applied as a discretionary planning control, not as a jurisdictional bar. A future dwelling was treated as a matter to be assessed on its merits, not as development that was legally incapable of approval. That is the only coherent reading of the consent and the assessment that supported it.

The position now adopted by Council would require the 2018 consent to be retrospectively recharacterised as having created a lot that is permanently incapable of supporting a dwelling, despite no such restriction being expressed in the consent, conditions, or endorsed plans.

It would also mean that Council:

- approved the creation of a separate Torrens title allotment;
- required that allotment to be independently serviced;
- acknowledged the prospect of a dwelling as a planning issue;

yet now asserts that the allotment is incapable of supporting a dwelling in any circumstance.

That outcome is internally inconsistent and difficult to reconcile with the terms of the consent and the contemporaneous assessment. It is not a coherent or defensible planning outcome.

In the absence of any express condition, covenant or notation on title, Council's present construction would produce the practical sterilisation of a lawfully created allotment, an outcome not readily supported by the 2018 consent and assessment history. There is no indication within the consent or on title that would put a reasonable person on notice that Lot 2 was intended to be permanently restricted from residential development.

The preferable construction is that clause 4.2(5), in this context, operates as a control requiring assessment and justification, rather than as a hidden and irreversible prohibition.

Accordingly, Council's current position is not supported by its own prior decision-making and should not be relied upon to deny jurisdiction to determine the application.

4. Compliance with cl 4.2(5) is unreasonable or unnecessary in the circumstances of this case

If, contrary to the above, cl 4.2(5) is properly characterised as a development standard, the written request under cl 4.6 should plainly succeed.

The proposal does not give rise to any additional fragmentation of rural land. The subdivision has already occurred and the subject lot exists as a lawful Torrens title allotment. Refusal of the dwelling would not reverse or mitigate fragmentation, but would simply constrain the reasonable use of an existing lot. In this respect, the proposal does not create fragmentation, but responds to an already established subdivision pattern.

The subject lot is not of a scale or configuration capable of supporting meaningful primary production in its own right. The surrounding locality already exhibits a mixed rural-residential pattern, including similar small holdings and associated dwellings. In this context, the introduction of a single dwelling on the site will not give rise to unacceptable land use conflict, and is consistent with the established character of the area.

The proposal represents a modest and expected use of an existing rural allotment. Having regard to the planning history of the site, including Council's approval of a separately serviced lot and its identification of a dwelling as a potential future land use, the development is a logical and anticipated outcome of the subdivision.

The familiar principles in *Wehbe v Pittwater Council* remain relevant to cl 4.6 analysis, and *Initial Action Pty Ltd v Woollahra Municipal Council* confirms that the common ways of demonstrating that compliance is unreasonable or unnecessary continue to apply, including where the objectives of the standard are achieved notwithstanding non-compliance. *Initial Action* also confirms that the focus of the environmental planning grounds must be on the contravening aspect, not merely the development as a whole.

That test is met here. The objective of cl 4.2 is to provide flexibility in rural subdivision standards to achieve the zone objectives. That objective was already served by the 2018 consent. Refusing a dwelling now does not undo fragmentation, does not restore agricultural land, and does not alter the subdivision outcome already approved by Council. It simply imposes a retrospective planning penalty on the lot. That is precisely the kind of outcome that supports a conclusion that strict compliance is unreasonable or unnecessary in the particular circumstances of the case.

Refusal in these circumstances would not advance any identifiable planning objective, but would merely limit the reasonable use of an existing allotment.

5. Sufficient environmental planning grounds exist to justify any contravention

There are also sufficient environmental planning grounds to justify the departure.

The site was found suitable for subdivision by Council under s 4.15. Council found no significant impacts, no relevant flood or bushfire constraint, and no submissions were received. The report described the adjoining area as comprising agriculture and residential uses with associated dwelling houses and outbuildings. It expressly recorded that similar subdivisions had been approved in the area and that no significant land use conflict would arise. Those are not abstract or generic matters; they are site-specific planning facts tied to this land and this locality.

Further, the existence of separate access and electricity requirements imposed on Lot 2 demonstrates that the lot was assessed and conditioned as an independently serviced allotment. The proposal does not create any new lot, does not intensify fragmentation, and does not undermine the strategic function of cl 4.2. The relevant environmental planning grounds therefore directly address the contravening aspect and justify the departure.

6. Public interest

Granting consent would be in the public interest because it would be consistent both with the objectives of the relevant standard and with the objectives for development within the RU1 zone.

Conversely, it would not be in the public interest for Council to approve the creation of a separate serviced rural allotment, require separate access and electricity to that lot, identify a future dwelling only as a possible land use conflict issue, and then later assert that the lot is legally incapable of supporting a dwelling in any circumstances. That would be an internally inconsistent and irrational planning outcome. Public confidence in orderly and fair planning administration is not served by retrospective re-characterisation of a prior consent in a manner contrary to its own terms and the contemporaneous assessment report.

7. Conclusion

For the reasons above, Council's jurisdictional position is not supported and should not be maintained.

Properly construed, and having regard to both the statutory framework and the planning history of the land, clause 4.2(5) does not operate as an immutable prohibition depriving Council of power to determine the application. Rather, it operates as a control capable of assessment and, where appropriate, variation under clause 4.6.

At minimum, the characterisation of clause 4.2(5) is sufficiently contestable that it is not open to Council to treat refusal as legally pre-determined. The application must instead be assessed on its merits in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

The applicant also included an email from the Director of Health & Planning at Wentworth Shire Council dated 8 March 2022 stating the following:

Further to our respective phone conversations yesterday regarding the status of the ability to construct a residential dwelling on the subject address, please advise any prospective purchaser that a residential dwelling can be constructed on the land provided the development is classed as 'Ancillary Use to existing horticultural land use'.

The above email states that a dwelling could be constructed on the land to support an existing horticultural use. No such land use exists to support the development of a dwelling as ancillary use. Council continue assessment in accordance with the EP&A Act 1979.

Part 5 – Miscellaneous Provisions

Clause 5.10 - Heritage Conservation

The site is not listed as a heritage item nor located within a heritage conservation area nor in the vicinity of such an item or area. Therefore, the provisions of this clause do not apply.

Clause 5.21 - Flood Planning

The proposed site is not located within the flood planning data currently held by Council. Looking at previous flood impact to the site, available through Nearmap the imaging within **Figure 9.**, below, demonstrates the area in question was not inundated during the flood occurring in 2022. Councils recent adopted flood mapping shows a small part of the allotment being flood affected by the 1% AEP, however, the location of the development is set back from the river and consider the location outside of the flood impact area.



Figure 9. Image from Nearmaps during 2022 flooding event.

Part 6 Urban Release Areas

The site is not located within the Urban Release Area.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

The proposal does not include any significant excavation or basement works. Accordingly, Clause 7.1 of WLEP 2011 is not applicable to this application.

Clause 7.2 Essential Services

Clause 7.2 of WLEP 2011 requires consideration to be given to the adequacy of essential services available to the site. The site is considered to be adequately serviced for the purposes of the proposed development.

Clause 7.4 Terrestrial Biodiversity

The site is identified as terrestrial biodiversity and section 7.4 of WLEP 2011 requires consideration of the maintenance and protection of terrestrial biodiversity at the site. The proposed works are unlikely to disrupt or affect the condition, ecological value and significance of the fauna and flora on the land. It is unlikely to affect the importance of the vegetation on the land to the habitat and survival of native fauna. There is limited potential for to fragment, disturb or diminish the biodiversity structure, function and composition of the land. Accordingly, the proposal is considered to satisfactorily address the objectives of Clause 7.4 of WLEP 2011.

Clause 7.5 Wetland

The site is identified as a wetland on the Natural Resources – Wetlands Map and section Clause 7.5 of the WLEP 2011 requires consideration on the potential adverse impacts from the development. The proposed works are unlikely to disrupt or affect the condition and significance of the native flora on the land and whether it should be substantially retained. It is unlikely to affect the provision and quality of habitats for indigenous and migratory species on the land. There is no potential for adverse impacts on the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity of the land.

Accordingly, the proposed development is considered to satisfactorily address the objectives of Clause 7.5 of WLEP 2011.

(ii) any draft instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
There are no draft instruments that are relevant to an assessment of the proposed development on the site.

(iii) any development control plan,
The proposed development is subject to the provisions of the Wentworth Shire Development Control Plan (WSDCP) 2011 which is considered in the below table.

Wentworth Development Control Plan (DCP) 2011

The proposed development is subject to the provisions of the Wentworth Shire Development Control Plan (WSDCP) 2011 which is considered in the below table.

Chapter 3 -General Development Controls

2.1 Murray River and Darling River

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
2.1 Setback	R5 and RU5 Village frontage to Murray River – 40m Or RU5 Village for Carbone Court Buronga – 30m Or RU1 Primary Production – 100m	The development complies with setback requirements with a setback greater than 40m from the high bank of the river indicated.	Compliant
2.1 Buffer corridor	All properties – 40m Or Carbone Court Properties – 30m	40m buffer between development & Murray River	Compliant

The proposal has been considered in accordance with the controls outlined in Section 2.1 Murray River and Darling River of the WSDCP 2011 and those matters are adequately provided for in the application.

2.3 Erosion Control – Murray River and Darling River

Section 2.3 of the WSDCP 2011 lists matters for consideration in relation to preventing of soil erosion and sediment loss of Murray River and Darling River riverbanks. Those matters have been considered. Further, the relevant consent condition will be imposed.

2.4 Vegetation Protection – Riverfront

Section 2.4 of the WSDCP 2011 requires vegetation protection to be given to land adjoining the Murray River and Darling River. The proposal has been considered in accordance with the

provisions in Section 2.4 of the WSDCP 2011. Further, the application has been considered under clause 7.8 of the WLEP 2011.

3 Koala Habitat Protection

Section 3 of the WSDCP 2011 requires consideration to be given to the koala habitat protection. It identifies the River Red Gum (*Eucalyptus camaldulensis*) as the sole koala vegetation in the Council area. It requires development applications in riverfront allotments to include a vegetation list in the Statement of Environmental Effects. It requires a koala habitat survey if River Red Gums are found on and around the site for development. The site does not contain any River Red gums and hence the clause does not apply.

4 Flood Affected Land

The subject site has been identified as not affected by flooding.

The application has been reviewed by Council's Engineer, who has advised that, subject to suitable conditions, the development is considered compatible with the flood function of the land, will not result in significant adverse effects on flood behaviour or the environment, and appropriate measures can manage risk to life in the event of a flood.

5 Vehicular Access and Parking

The proposed development includes 3 car spaces which satisfies the relevant controls of section 5.2 of the WSDCP 2011. Access to the Sturt Highway must be via the Right of Carriage way easement burdening Lot 1 DP 1284408, as per condition 7 of DA2018/045, under which the allotment was created.

6 Crime prevention through environmental design

The proposed development satisfies the relevant objectives and controls of the WSDCP 2011. Lighting, fencing, separate pedestrian, appropriate landscaping and vehicle access are provided. The building is oriented towards the street, which promotes passive surveillance of the public domain, thereby increasing safety and the perception of safety in the street.

Chapter 5 – Rural Development Controls

5.1 Intensive agriculture

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
5.2 Subdivision	Minimum lot sizes refer to the WLEP 2011	N/A	N/A
5.3 Rural Dwellings			
5.3. a) General controls	- Orient living areas to the north for solar access. Front setbacks: - 15m in R5 Large Lot Residential Zone - 50m in RU1 Primary Production Zone (10,000ha lots)	The orientation and design of the proposed dwelling has been addressed.	Compliant

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- 15m in RU1 Primary Production Zone (10ha lots) - 15m in RU4 Rural Small Holdings Zone Use colours consistent with rural character. Site dwellings carefully to: Avoid impacting neighbours Stay away from intensive rural uses (e.g. poultry sheds) Protect environmental features (e.g. vegetation, wetlands, watercourses). Remove any illegal structures on the property.		
5.3. b) Access	All dwellings must have legal, properly constructed access via a public road.	Site plan should indicate access to site via the neighbouring property as per the plan of subdivision approved under DA2018/045 See Figure 10 .	Not compliant
5.3.1 Water	Not less than 46,000 litres of roof water storage for domestic purposes if a reticulated, disinfected water supply is not available	Rainwater tanks indicated on plans but elevations required for assessment / approval	Not compliant
5.3.2 Effluent disposal	Each allotment must have adequate space for a sewage management facility. Recommended Buffer Distances (from EMA): - 100m from River Murray, rivers, creeks, perennial watercourses - 100m from intermittent watercourses - 40m from drainage depressions - 250m from licensed bores	The proposed field for on site disposal is approximately 100m for the Murray River. Conditions of consent will be included for a Plumbing & Drainage approval under Section 68, where an appropriate waste management system will be recommended	Compliant

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
		based upon a Land Capability Assessment Report.	
5.3.3 Fencing	<1.2m	No fencing mentioned within SEE. Safety barrier (glass fencing) for swimming pool identified on site plan.	Compliant
5.3.4 dwelling setbacks from river	100m setback for RU5 Village and R5 Large Lot Residential	N/A	N/A
5.3.5 Land Capability	A land capability assessment to show that the land can support the proposed agricultural use	Not provided with application, however, prior to subdivision land was used for agricultural use. No change of use applicable.	N/A
5.4 Rural sheds			
5.4 Rural sheds	Sheds cannot be used for human habitation. Temporary accommodation in sheds is allowed for up to 12 months while a dwelling is being built. Toilets, showers, basins, and fireplaces may be installed for amenity use in rural sheds.	Condition to be included in consent if approved regarding habitation. The applicant is not requesting the shed as temporary accommodation while a dwelling is constructed. The shed does not resemble a rural agricultural shed. The workshop area is lined with a separate bathroom, and glazed sliding glass doors. An agricultural shed would be open to the elements, this shed contains 3 roller doors and one	Although the shed does not resemble a rural agricultural shed – it is still a shed in a rural setting and therefore, compliant.

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
		external personal access door.	
5.5 Rural industries			
5.5 Rural industries	Designs must include landscaping, sound buffers, and attenuation to protect neighbours' amenity. Rural industries in RU4 Rural Small Holdings Zone must consider: - Land size - Permissible land use - Buffer distances (see Appendix B). Council supports vertical integration of existing agriculture into rural industries (e.g. cattle grazing → on-site abattoir/butchery).	N/A	N/A
5.6 Boarding and/or breeding kennels for dogs and cats in rural areas			
5.6.1 Floor materials of kennels	Floors must be concrete and properly drained.	N/A	N/A
5.6.2 Distance of kennels from residences and occupancies	Minimum 100m from any neighbouring residence or occupancy.	N/A	N/A
5.6.3 Exercising of dogs	Must be supervised.	N/A	N/A
5.6.4 Acoustical compliance	- Buildings must be soundproofed. - Noise must not exceed 5dB(A) above background levels.	N/A	N/A
5.6.5 Storage / preparation of food	In a cleanable, vermin-proof building.	N/A	N/A
5.6.6 Animal confinement	Dogs/cats must stay within kennels/yards except during receipt/release.	N/A	N/A

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
5.6.7 Storage and disposal of excrement	- Waste/hair must be stored in fly-proof containers, emptied weekly. - Disposal at Council-approved depot; no burning or burying.	N/A	N/A
5.6.8 Drainage of kennels	Wastewater must go to an arrestor pit, then to an absorption drain.	N/A	N/A
5.6.9 Landscaping of kennels	- Use natural screening and trees. - Landscaping must be established within 6 months. - Submit a landscape plan with the application.	N/A	N/A
5.6.10 Environmental management plan	Must address key environmental impacts	N/A	N/A
5.7 Hazardous chemicals			
5.7.1 Chemical storage	Chemicals must be stored in a ventilated, purpose-built cupboard or building. Storage must be: - Away from houses, pumps, tanks, waterways, and animals - Include an inventory, labels, and MSDS - Have spill containment (e.g. bunding or drip trays for small quantities) - Be locked and clearly signposted (e.g. Chemical Store – Keep Out, No Smoking)	The accompanying SEE states that the shed is to be used to support the agricultural use of the land. It is up the landowner to comply with requirements.	Compliant
5.7.2 Chemical transport	Transport must be done safely and responsibly to avoid harm to people, animals, property, and the environment. Check labels and MSDS for specific transport requirements. Use a roadworthy vehicle with a spill tray for containment.	The accompanying SEE states that the shed is to be used to support the agricultural use of the land. It is up the landowner to comply with requirements.	Compliant

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	Do not transport chemicals in the same compartment as: - People, food/drinks, or animals Dangerous goods must be transported in small quantities: <100kg or <100L in private vehicles Secure all items to prevent movement or tipping. Separate different chemical classes during transport.		
5.7.3 Disposal of chemicals and containers	Unused chemicals and containers must be disposed of responsibly—no on-site disposal of concentrates. Use the drumMUSTER program for recycling non-returnable containers.	The accompanying SEE states that the shed is to be used to support the agricultural use of the land. It is up the landowner to comply with requirements.	Compliant
5.8 Rural land use conflict			
5.8.1 Buffer distances	Rural dwellings must be separated from other rural land uses per Appendix B buffer distances to avoid impacts like dust, odour, spray drift, light, and noise. Buffers must be provided on the development site itself. Rural dwellings are considered secondary uses and must not compromise the viability of agriculture or rural industries. For major recreation facilities (e.g. motor racing tracks), dwellings within buffer	As the surrounding sites are similar land uses, buffers are not applicable.	N/A

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	zones must meet industry best noise insulation standards.		
5.8.2 Variations to buffers	Council may adjust buffer distances (increase or reduce) based on site-specific circumstances. Reduction may be allowed if the development is unlikely to be impacted by neighbouring land uses.	N/A	N/A
5.8.3 Vegetation buffers	Buffers must be: - Established before subdivision certificate or use begins. - Located away from Asset Protection Zones to maintain bushfire safety - Minimum width = canopy spread at maturity A landscape plan must be submitted, including: - Mixed species with varied heights (ground cover, shrubs, small & large trees) - Trees $\geq 10\text{m}$ tall at maturity - Tree rows spaced $\leq 10\text{m}$, with smaller plants between - Species with rough foliage for spray drift areas - Fast-growing pioneers and long-lived species for long-term effectiveness	N/A Landscape plan has been included with the application.	N/A

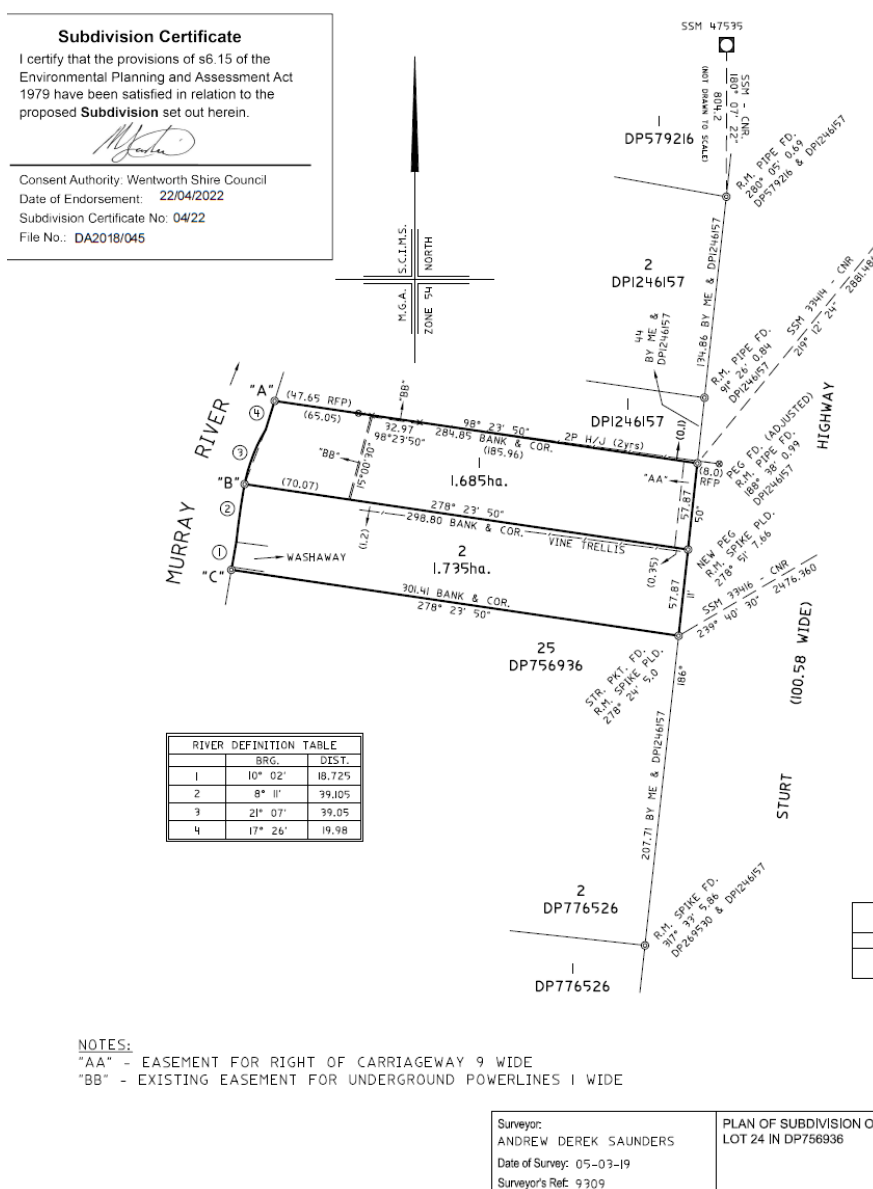


Figure 10. Plan of subdivision indicating right of carriageway easement for Lot 2, via Lot 1.

7.	Separate access needs to be provided to service the proposed Lot 2, from Sturt Highway. It will be a sealed access point as required by RMS. The applicant is to consult with RMS to obtain a letter of compliance stating that suitable arrangements have been made for the access way. The letter is to be provided to council before the issuance of the subdivision certificate.
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Figure 11. Screen shot of Condition 7 from DA2018/045 - site access.

(iiiia) **Any planning agreement entered into under section 7.4 of draft planning agreement which has been offered**

None are relevant.

(iv) Any matters prescribed by the regulations,
The relevant clauses of the Regulations have been satisfied and appropriate conditions of consent recommended.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. The environmental impacts have been assessed in detail above as summarised in the table below. The proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

Impact item <i>(insert an 'x' in the relevant section)</i>	Acceptable	Not acceptable	Not relevant	Comment
Context and setting		X		The proposed development of a dwelling with associated structures has been considered as appropriate to the site, however, the development of the site is not allowable due to the clause of the WLEP2011 (4.2) the subdivision of land was created under.
Public domain & Streetscape	X			The proposed location of the development meets the WDCP 2011 requirements
Landscaping	X			A plan inclusive of landscaping forms part of this application – conditions encourage use of local plant varieties for providing habitat as part of future landscaping.
Stormwater	X			Plans include three x 27,500l tanks to be installed to the east aspect of the proposed shed.
Heritage	X			None located on site.
Soils & Soils Erosion	X			Earthworks and erosion control to be conditioned as part of approval.
Air and microclimate	X			No effect from proposed development anticipated.
Water Resources	X			No greater impact anticipated.
Biodiversity (Flora & Fauna)	X			Future landscaping should encourage rehabilitation through growth of native species and create habitat for fauna.

Impact item <i>(insert an 'x' in the relevant section)</i>	Acceptable	Not acceptable	Not relevant	Comment
Land Resources	X			None known at this location
Utilities	X			Utilities are available to the site. Conditions of consent will be included that inform the landowner of connection requirements.
Access & Parking	X			Adequate parking availability on site
Roads & Traffic		X		Access to the site must be via the right of carriage way as indicated on the plan of subdivision and not directly onto the Sturt Highway.
Solar Access and Energy Efficiency	X			Basix and NatHERS included with application Basix Certificate number: 1827653S; Date of issue: 18 December 2025; Pages: 1 to 10. NatHERS Certificate number: #HR-T4H0S5-01; Date of issue: 18 December 2025; Pages: 1 to 16.
Overshadowing		X		Overshadowing diagrams provided do not meet requirements. Provided overshadowing only indicates September shadowing at 9am and 3pm. Additional diagrams may be requested prior to conclusion of this application.
Privacy & Overlooking	X			Adequate distance between the proposed development and neighbouring buildings.
Flooding	X			Not in flood affected land.
Bushfire Prone Area	X			Not in bushfire prone land
Noise	X			Significant noise anticipated with the construction of the development. Conditions of consent will be included pertaining to permitted hours of operation during the construction stage. Ongoing significant noise anticipated with the development and management of the orchard.
Technological hazards	X			None anticipated from the development.
Safety, Security & Crime Prevention	X			Development will not affect the safety of the area
Social and Economic Impacts	X			No negative social and economic impacts anticipated from the proposed development.

(c) the suitability of the site for the development,
The size, shape, topography and vegetation of the site and its relationship to adjoining developments is suitable for the proposed development as anticipated by the zoning. However, the site was subdivided using clause 4.2 of the WLEP which prohibits a dwelling to be located on a resulting lot created under this clause.

(d) any submissions made in accordance with this Act or the regulations,
In accordance with the provisions of Council's Community Participation Plan (CPP), the application was placed on public exhibition for 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

(e) the public interest.
The proposed development is of a scale and character that promotes the objectives of the zone. The proposal is generally consistent with what is anticipated by the planning controls and can therefore be considered in the public interest.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	Y	No safety concerns, general comments provided.
Transport for NSW	N	
Rural Fire Service	N	
Heritage NSW	N	
NSW Dept of Primary Industries	N	
Water Group NSW	N	

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

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

Department	Referred Y/N	Comments
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

Conclusion

The application has been assessed having regard to the matters for consideration under Section 4.15(1) of the EP&A Act 1979, including the provisions of the WLEP 2011 and WDCP 2011. Following detailed assessment, the following options are available:

Option 1

The application should be refused for the following reasons:

1. The application is inconsistent with the specific planning principles set out in the Wentworth Local Environmental Plan 2011. The development does not meet the criteria of clause 4.2B as the lot is below the MLS for a dwelling and was not a lot created under a previous environmental planning instrument making the dwelling a prohibited development.
2. Legal access to the site must not be directly from the Sturt Highway but conform to the requirement established within the Certificate of Subdivision via a Right of Carriage way burdening Lot 1 DP 1284408.
3. Insufficient details supplied. Further details of the development would be required, these include: Construction details of retaining walls; Retaining wall elevations; Shadow diagrams meeting all requirements; Tennis court details or new plans stating the development is not part of the approval; Tennis court is not mentioned in the SEE; Rain water tank elevations, site plan showing access via the Right of Carriage way.
4. The proposal, therefore, does not satisfy the mandatory relevant considerations of Section 4.15 of the EP&A Act 1979 in the assessment report.

Option 2

Approval with the following deferred commencement condition.

Condition 1

The allotment should go through a boundary realignment with adjoining land or subdivision, using legislation that does not prohibit dwellings on the new allotment.

Provision of additional documents:

- Complete site plan including access from Sturt Highway
- Retaining wall elevations
- Shadow diagrams meeting all requirements
- Tennis court details
- Fencing or lighting associated with the tennis court

- Rain water tank elevations

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Kerrie Copley Planning Officer	
Date: 29/04/2026	Date:

In principle, the assessing officer considers the proposed land use compatible with the current land use of surrounding sites in the immediate and similar land uses can be seen across the shire, especially along the river front areas. There is a strong demand for river front, lifestyle properties. While the subdivision of land has legitimately occurred, planning legislation does not provide a direct pathway to approve a dwelling upon the site.

 Wentworth SHIRE COUNCIL	Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	TEMPLATE CONDITIONS
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**DA2026/011 DWELLING WITH GARAGE, SWIMMING POOL WITH SAFETY BARRIER, AND
STORAGE SHED WITH WET AREA STURT HIGHWAY LOT 2 DP 1284408 TRENTAM CLIFFS**

D1.	Deferred commencement condition This consent does not operate and must not be acted upon until the consent authority is satisfied of the following matter(s): The allotment must go through a boundary realignment with adjoining land or subdivision, using legislation that does not prohibit dwellings on the new allotment. The following documents must be provided for review and approval by Council: • Complete site plan including access from Sturt Highway • Retaining wall elevations • Shadow diagrams meeting all requirements • Tennis court details • Fencing or lighting associated with the tennis court • Rain water tank elevations Under section 76(4) of the Environmental Planning and Assessment Regulations 2021, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates. Evidence of the above matter(s) must be submitted to Council within 5 years otherwise the consent will not operate.
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GENERAL CONDITIONS

1.	Approved development Approval is for a dwelling with garage, swimming pool with safety barrier, and storage shed with wet area. Condition reason: To ensure all parties are aware of the approved development.
2.	Approved Plans and Documentation The development shall be in accordance with the following plans, documentation and

	recommendations made there in: • Site & locality plan by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A01; Date: 19/12/2025. • Site Plan (Enlarged – dwelling area) by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A02; Date: 19/12/2025. • Floor plan (dwelling - ground floor) by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A03; Date: 19/12/2025. • Floor plan (dwelling – first floor) by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A05; Date: 19/12/2025. • Elevations (dwelling) by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A08; Date: 19/12/2025. • Elevations (dwelling) and pool details by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A09; Date: 19/12/2025. • Shed floor plan & elevations by Aspire architecture; Project No: AA23 – 043; Sheet Number: TP – A12; Date: 19/12/2025. • BASIX Certificate; Certificate Number: 1827653S; Date of issue: 18 December 2025; Page numbers: 1 to 10. 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. Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
3.	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989 • It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. • It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. • It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. • In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

	- In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. - This section does not apply- - to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or - to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
4.	Erection of signs - This section applies to a development consent for development involving building work, subdivision work or demolition work. - It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out: - showing the name, address and telephone number of the principal certifier for the work, and - showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and - stating that unauthorised entry to the work site is prohibited. - The sign must be- - maintained while the building work, subdivision work or demolition work is being carried out, and - removed when the work has been completed. - This section does not apply in relation to- - building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.
5.	Fulfilment of BASIX commitments It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled - BASIX development, - BASIX optional development, if the development application was accompanied by a BASIX certificate. Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

	Assessment Regulation 2021.
6.	Lapsing of Approval Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is physically commenced within 5 years of the date of this permit. Condition reason: Ensure everyone is aware of the lapsing of the approval.
7.	Notification of Home Building Act 1989 requirements 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following- a. for work that requires a principal contractor to be appointed i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989 the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
8.	Works outside the property boundary This development consent does not authorise works outside the property boundaries on adjoining lands. Condition reason: To ensure all approved works occur within the property boundaries.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9.	7.12 Contribution Before the issue of the relevant construction certificate, the applicant must pay a total contribution of \$19,580.00 as calculated at the date of this consent to Wentworth Shire Council pursuant to the adopted Section 7.12 Development Contributions Plan.
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	Note: The total amount payable may be adjusted at the time payment is made per clause 3.10 of the Section 7.12 Development Contributions Plan. Condition reason: To ensure the 7.12 Developer Contributions are paid.
10.	Access Point Before the issue of a Construction Certificate, the beneficiary of this consent must build a driveway crossing for the subject land (if one doesn't exist) to Council standards. Access during construction shall only be through the driveway crossing of the subject land. Legal access to the site must not be directly from the Sturt Highway but conform to the requirement established within the Certificate of Subdivision via a Right of Carriage way burdening Lot 1 DP 1284408. Condition reason: To control vehicular movement on road crossings.
11.	Building Material The proposed building/s and structure/s shall be clad in an approved non-reflective material e.g. colorbond. Condition reason: To ensure the materials of the building not impact the visual amenity of the surrounding character of the area.
12.	Construction Site Management Plan Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters: • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

	Condition reason: To ensure construction works are adequately managed to protect the surrounding amenity.				
13.	Erosion and Sediment Control Before the issue of a construction certificate, the beneficiary of this consent is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier: - the guidelines set out in the NSW Department of Housing Manual Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book), and - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry'; (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The applicant must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction. Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.				
14.	Hydrostatic valve for swimming pools The pool must be provided with a hydrostatic pressure relief valve for relief of ground water table pressures. Condition reason: To ensure the pool is appropriately designed and constructed.				
15.	Long Service Levy Before the issue of a construction certificate, the beneficiary of this consent is to ensure that the person liable pays the long service levy as calculated at the operational date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. Condition reason: To ensure the long service levy is paid.				
16.	Payment of Security Deposits <i>This condition applies to all construction works \$25,001 and above.</i> Before the commencement of any works on the site or the issue of a construction certificate, the beneficiary of this consent must make all of the following payments to Council and provide written evidence of these payments to the certifier: <table border="1"> <tr> <td>Infrastructure Bond (Security Deposit):</td><td>\$3,000.00</td></tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections)</td><td>\$244.00</td></tr> </table> The payments will be used for the cost of: making good any damage caused to any council property (including street trees, kerb, road	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections)	\$244.00
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections)	\$244.00				

	etc) as a consequence of carrying out the works to which the consent relates, • completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and • any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property. The Infrastructure Bond will be returned on completion of the construction of the proposed development, subject to no damage being done to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates. The owner / developer is to arrange an inspection with an Officer of Wentworth Shire Council before any work commences on site. Any damage incurred to Council infrastructure will be repaired at the owners / developers expense and the balance of the Infrastructure Bond will be returned to the owner / developer on completion of the construction. Note: The inspection fee includes Councils fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with councils fees and charges at the payment date. Condition reason: To ensure any damage to public infrastructure is rectified and public works can be created.
17.	Plumbing and Drainage - AWTs Before issuance of the Construction Certificate, a Plumbing and Drainage Approval Application under Section 68 of the Local Government Act NSW 1993, for an onsite Aerated WasteWater Treatment system (AWTS) sewerage management system with a Land Capability Assessment (LCA), is to be submitted to and approved by Council before carrying out any plumbing and drainage work (stormwater, water and sewerage). Note: All stormwater from the site is to be directed towards a legal point of discharge. A septic system will not be allowed on the property. All plumbing and drainage work is to be carried out by a plumber and drainer, or other authorised person, licensed with the New South Wales Department of Fair Trading. Condition reason: To ensure plumbing and drainage works are carried out appropriately.
18.	Pool - Discharge Discharge from swimming pool filters are to be to Councils requirement. Condition reason: To ensure the pool is appropriately designed and constructed.
19.	Pool - Disposal of backwash Backwash water from the filter must be disposed of to a legal point of discharge. The backwash must not at any time be disposed of into the stormwater system. Condition reason: To ensure the pool is appropriately designed and constructed.
20.	Pool - Safety barrier construction

	The swimming pool and safety fences and gates shall be designed and installed in accordance with the Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2018. Condition reason: To ensure safety barrier meets compliance standards.
21.	Road reserve landscaping Lawn must be used for landscaping within the road reserve. Any other form of landscaping in the road reserve must be approved by Council. Condition reason: To ensure appropriate landscaping is used in road reserve.
22.	Stormwater Management Plan Before the issue of a construction certificate the beneficiary of this consent is to design and submit to Council for approval a Stormwater Management Plan for the development. The design is to be approved by Council before any work takes place on this site. All work detailed by the approved design is to be constructed by the beneficiary of this consent under supervision of the Principal Certifying Authority. All work is to be carried out at the beneficiary of this consent's expense. The plan is to include treatment measures for the water if it is to be discharged into a waterway. Condition reason: To ensure stormwater run-off is appropriately managed.
23.	Utilities and services Reticulated water is not available at the site, as such the beneficiary of this consent must ensure that the proposed dwelling is provided access to portable water. Note: Domestic and stock water entitlement may be attached to the proposed dwelling site. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
24.	Waste management plan Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier: Details the following: • the contact details of the person(s) removing the waste • an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill • the address of the disposal location(s) where the waste is to be taken The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction. Condition reason: To ensure resource recovery is promoted and local.
25.	Water storage A minimum of 46,000 litres water storage capacity is to be provided and reserved in a water storage tank for fire fighting purposes in the vicinity of the development. Water storage is to be fitted with a

	gate and ball valve and 65mm "stortz" fittings with cap, suitable for connection to the Rural Fire Service Brigade equipment. Condition reason: To ensure water storage capacity and fittings meet fire fighting requirements.
26.	Works in Road Reserve A Road Opening Permit is required from the Wentworth Shire Council prior to any works or excavation within the road reserve including but not limited to: water tapping, sewer, driveway crossings, tree planting or removal etc. Please contact Councils Roads & Engineering Department on Tel: (03) 5027 5027 to arrange a permit. Note: No driveways will be permitted directly onto the Sturt Highway. Condition reason: To control development in the road reserve.

BEFORE BUILDING WORK COMMENCES

27.	Construction Certificates and Appointment of Principal Certifier Prior to the commencement of any building works, the following requirements must be complied with • A Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, • A Principal Certifier must be appointed, and Council must be notified in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and notify Council in writing of their intention to commence work (at least two [2] days' notice is required). Condition reason: To ensure building works complies with relevant legislation and other codes.
28.	Contractor details notification The certifying authority must advise Council, in writing of: 1. The name and contractor licence number of the licensee who has been contracted to do or intends to do the work, or 2. The name and permit of the owner-builder who intends to do the work. If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed. Condition reason: To ensure building work is carried out by licensed contractor.
29.	Dial before you dig Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant

	or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities. Condition reason: To ensure existing infrastructure is identified.
30.	Erosion and sediment controls in place Before the commencement of any site or building work, the developer must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by Council) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). Condition reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.
31.	Notice of commencement of works Subject to approval to commence works two days before any site works, building or demolition begins, the beneficiary of this consent must: 1. Forward to Council notice of commencement of work and appointment of Principal Certifying Authority. 2. Notify the adjoining owners that work will commence. Condition reason: To provide notification of works commencing.
32.	Rubbish/Waste Management Throughout the construction period, from commencement of work, a suitable rubbish containment structure is to be located on site and utilised. Condition reason: To ensure the construction site is kept clean and safe at all times.
33.	Storage of materials Throughout the construction period, from commencement of work, the storage of materials is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site. Condition reason: To ensure the construction materials are stored on site in a tidy & safe manner.
34.	Toilet facilities Toilet facilities are to be provided on or in the vicinity of the building site. The toilet must be connected to a public sewer, or if connection to a public sewer is not practicable, an approved chemical closet. The toilet facility must be installed on-site prior to the commencement of any other work. Condition reason: To ensure workers and contractors have access to amenities on site.
35.	Tree protection measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place. Condition reason: To protect and retain trees.

DURING BUILDING WORK

36.	Approved Plans A copy of the stamped approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on site for the duration of site works and be made available upon request to either the Council or other Government Agencies. Condition reason: To ensure all parties are aware of the approved works to be conducted.
37.	Construction noise While work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. Condition reason: To protect the amenity of the neighbourhood.
38.	Contamination discovered during works If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the Contaminated Land Management Act 1997: • all works must stop immediately, and • the Environment Protection Authority and the council must be notified of the contamination. • Land is found to be contaminated for the purposes of this condition if the principal certifying authority knows or reasonably suspects the land is contaminated. Note: Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue. Condition reason: To ensure contaminated land is managed appropriately.
39.	Cut and fill (if applicable) While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: • All excavated material removed from the site must be classified in accordance with the EPAs Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. • All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removal & replacement meets requirements.
40.	Encroachment of easements No works are to encroach over any easements. Condition reason: To ensure works are not carried out over easements.
41.	Hours of work The developer must ensure that building work, demolition or vegetation removal is only carried out

	between: • 7.00am to 6.00pm on Monday to Friday • 8.00am to 1.00pm on Saturdays The developer must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Councils approval. Condition reason: To protect the amenity of the surrounding area.
42.	Implementation of BASIX commitments While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies. Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Section 75 EP&A Regulation 2021).
43.	Implementation of site management plans While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request. Condition reason: To ensure the required site management measures are implemented during construction.
44.	Natural drainage Any works undertaken in the subject land including building and filling shall not cause alteration to the previous drainage in the subject land or adjacent land. Any remedies required to discharge drainage water caused to be accumulated by the works associated with this permit shall be the responsibility of the beneficiary of this consent. Condition reason: To ensure natural drainage is maintained where possible.
45.	Pool - construction The swimming pool is to be constructed strictly in accordance with the manufacturer's recommendation. Condition reason: To ensure compliance with manufacturer's requirements.
46.	Pool - Construction works Any construction works/drainage works should be carried out in a manner that Eliminates/reduced water ponding and subsequent mosquitoes breeding i.e. all run off/stormwater should be diverted

	away from low lying poor surface drainage areas. Condition reason: To ensure the pool is appropriately designed and constructed.
47.	Procedure for critical stage inspections While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. Condition reason: To require approval to proceed with building work following each critical stage inspection.
48.	Responsibility for changes to public infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area). Condition reason: To ensure payment of approved changes to public infrastructure.
49.	Security fencing An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project Condition reason: To ensure the site is secured during construction.
50.	Tree protection While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: 1. The construction site management plan 2. The relevant requirements of any Australian Standard for the protection of trees on development sites This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition reason: To protect trees during site works.
51.	Uncovering relics or Aboriginal objects While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition: • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement

	of the area that comprises New South Wales, not being Aboriginal settlement, and a) is of State or local heritage significance; and “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. Condition reason: To ensure protection of objects of potential significance during works.
52.	Waste management While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following: - The contact details of the person(s) who removed the waste - The waste carrier vehicle registration - The date and time of waste collection - A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill - The address of the disposal location(s) where the waste was taken - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council. Condition reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

53.	Completion of landscape and tree works Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).
54.	Completion of public utility services Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street

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

OCCUPATION AND ONGOING USE

58.	Additional structures No additional structures are to be built or installed on the site without permission from the Wentworth Shire Council. Condition reason: To ensure only approved work is carried out
59.	Amenity of the neighbourhood The operation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste

	products, grit, oil or other harmful products. Condition reason: To ensure the amenity of the neighbourhood is not compromised unreasonably.
60.	Maintenance of wastewater and stormwater treatment device During occupation and ongoing use of the building, the beneficiary of this consent must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective. Condition reason: To protect sewerage and stormwater systems.
61.	Ongoing use - dwelling with garage, pool pavilion and storage shed The storage shed, pool pavilion and garage cannot be used for habitation. The shed is to be used for domestic purposes only, and any other activities proposed to be undertaken inside the shed shall be subject to a further development application. Condition reason: To ensure appropriate use as per approval.
62.	Pool – safety barrier The swimming pool shall at all times be surrounded by a child resistant barrier that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that it is designed, constructed, installed and maintained in accordance with the standards prescribed by the Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2018. Condition reason: To ensure compliance with requirements.
63.	Pool – Prior to filling pool The swimming pool shall not be filled with water until such time as the safety fencing and gates have been completed in accordance with Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2018. Note: It is the responsibility of the beneficiary of this consent is to ensure that all excavations and incomplete pools have appropriate safety fencing or are otherwise protected. Condition reason: To ensure compliance with requirements.
64.	Pool – Noise control measures The pool pumps, motor, filter and equipment must be housed and operated in accordance with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2017. Condition reason: To ensure compliance with requirements.
65.	Pool – Water testing The occupier is to maintain on the premises, a full set of testing apparatus for checking the effectiveness of the chemical treatment of the pool water. Condition reason: To ensure compliance with requirements.

66.	Pool – Required signage The occupier of any premises in or on which a swimming pool is situated must ensure that there is at all times a warning sign prominently displayed and permanently fixed in the vicinity of the swimming pool, together with details of resuscitation techniques, in accordance with the provisions of section 17 of the Swimming Pools Act 1992. Condition reason: To ensure compliance with requirements.
67.	Pool – Swimming pool registration The beneficiary of this consent shall have the swimming pool registered on the NSW Swimming Pool Register. Condition reason: To ensure owner compliance with pool registration in the Swimming Pools Act 1992 is met.
68.	Release of securities / bonds When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Councils requirements. Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

9.14 DA2026/091 TWO (2) STOREY DWELLING WITH GARAGE, SWIMMING POOL WITH SAFETY BARRIER AND BOUNDARY FENCE 113 ADELAIDE STREET LOT 221 DP 43587 GOL GOL

File Number: RPT/26/279

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: George Kenende - Strategic Planner

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

A development application (DA2026/091) was received by Council on 21st May 2025 for a Two-Storey Dwelling with Garage & Swimming Pool with Safety Barrier & Boundary Fence at 113 Adelaide Street, Gol Gol (Lot 221 DP43587).

Under the RU5 Village zoning of the Wentworth Local Environmental Plan 2011 (WLEP 2011), the proposed Two-Storey dwelling with attached garage (swimming pool with barrier) is permitted with consent with the Dwelling with attached Garage being the primary use and the Swimming Pool with Safety Barrier & Boundary fence being ancillary land uses to the dwelling if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

River front area is defined as “the land between the river front building line and the highest bank of the Murray River or, if there is no river front building line, the land within 30 metres of the highest bank of the River” in WLEP 2011.

Murray River is defined as “includes the Darling River and the Great Darling Anabranch” in WLEP 2011.

Clause 7.6(2) establishes that despite any other provision in the LEP, development consent may only be granted for development on land in a river front area for various purposes listed in 7.6(2) of the WLEP 2011, none of which include the Dwelling with attached garage and the swimming pool (including safety fence & boundary fence). The proposed development does not fall within those purposes. The applicant has provided a written Clause 4.6 request to vary the numerical development standard – development on river front area in Clauses 7.6 (2) of the WLEP 2011. Clause 4.6(2) of the WLEP 2011 allows variations of development standards.

The proposed dwelling is approximately 14.7m (measured) from high bank of river, with a variation of 51% (from the 30m setback). In addition, the swimming pool (and associated safety barrier and boundary fence is 13.7m (measured) from high bank of river where this represents a 54% variation to the standard. Due to the variation being greater than 10%, the application cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve subject to conditions DA2026/091 for the two-storey dwelling with attached garage, and swimming pool (with safety barrier and boundary fence) at 113 Adelaide Street, Gol Gol (Lot 221 DP 43587).
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 DA2026/091, having consideration for the details provided both within this report and the attachments provided.

Background

A Development Application was lodged with Council on 21st May 2026 seeking consent for a two-storey dwelling with attached garage and Swimming Pool with safety barrier and boundary fence.

The application was referred to the Department of Climate Change, Energy, the Environment and Water – Water Group for consideration, where they determined that proposed development is exempt from the need to obtain a controlled activity approval and therefore no further assessment by that agency was necessary.

The subject lot is located in the RU5 Village zone under the WLEP 2011.

Clause 7.6(2) establishes that despite any other provision in the WLEP 2011, development consent may only be granted for development on land in a river front area for various purposes listed in 7.6(2), none of which include a dwelling, swimming pool (and safety barrier and boundary fence). As the proposed development does not fall within those purposes, the consent authority must be satisfied of various other matters set out in clause 7.6(3).

The deposited plan has identified the rear boundary as high bank of river. The proposed development is approximately 14.7m (measured) from high bank of river, with a variation of 15.3m from the control (51%). In addition, the swimming pool (and associated safety fence and boundary fence) is 13.7m (measured) from high bank of river where this represents a 54% variation to the standard.

The development is within the riverfront area because it is within 30 m of the high bank of the river. The proposed development is not one of the uses set out in Clause 7.6(2). The Clause is a development standard in accordance with the definition in Section 1.4 of *the Environmental Planning & Assessment Act 1979*. A Clause 4.6 request was therefore required to vary the standard and was provided by the applicant.

Clause 4.6(3) of the WLEP 2011 establishes preconditions that must be satisfied before the consent authority can grant development consent. These preconditions are that the consent authority must be satisfied that the applicant has demonstrated:

- that compliance with the development standard is unreasonable or unnecessary (cl 4.6(3)(a)); and
- that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)).

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – 4.6 Variation request

Refer to attachment 4 – Plans

Refer to attachment 5 – DCCEEW referral letter

Matters under consideration

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

The proposed development for a two-storey dwelling with attached garage, and ancillary development (swimming pool with safety barrier and boundary fence) is permitted with consent and meets the zone objectives of the RU5 Village zone under the WLEP 2011.

The proposed does not meet the setback standard under clauses 7.6, however the clause 4.6 variation request provided by the applicant did provide adequate justification for the contravening of development standards contained in Clause 7.6 as follows:

1. The applicant's submission identifies that the proposed development encroaches within the mapped riverfront area and therefore does not achieve strict compliance with Clause 7.6. The written request demonstrates that the proposed development is of a scale and nature that will not adversely impact the environmental values of the river corridor, water quality, riverbank stability, riparian vegetation or ecological processes. The development matches adjoining properties in terms of development setbacks in relation to the riverfront. The proposal has been designed to minimise disturbance to the riverfront area and appropriate management measures have been imposed through conditions of consent.
2. Having regard to the circumstances of the site and the nature of the proposed development, it is considered that strict compliance with the development standard would be unreasonable and unnecessary as the objectives of Clause 7.6 are achieved notwithstanding the non-compliance.
3. The proposal is considered to satisfy the objectives of Clause 7.6 for the following reasons:
 - The development will not adversely affect river flows, drainage patterns or water quality.
 - The proposal will not result in the removal of significant riparian vegetation nor adversely affect riverbank stability.
 - The ecological values and habitat functions of the river corridor will be maintained.
 - Environmental impacts associated with the development are minor and can be appropriately managed through conditions of consent.
 - The development is compatible with the existing character of the locality and will not detract from the scenic qualities of the river corridor.
4. The applicant's written request is considered to establish sufficient environmental planning grounds to justify the variation. Furthermore, the proposal remains consistent with the objectives of the relevant zone and the broader strategic intent of the Wentworth Local Environmental Plan 2011.

In addition, the Department of Climate Change, Energy, the Environment and Water – Water Group determined that proposed development is exempt from the need to obtain a controlled activity approval and therefore no further assessment by that agency was necessary.

Accordingly, the Clause 4.6 request is considered satisfactory. The consent authority can be satisfied that the requirements of Clause 4.6 have been met, that the proposal is in the public interest because it is consistent with the objectives of the development standard and the relevant zone objectives.

Due to the nature of the proposed development, it was assessed against Chapters 3 & 4 of the Wentworth Development Control Plan (DCP) 2011. The development did not fully comply with provisions under these chapters. However, any minor departures from the DCP

provisions are not considered to result in adverse environmental, amenity or planning impacts and are acceptable in the circumstances of the case.

Refer to attachment 6 – Section 4.15 Assessment report

Refer to attachment 7 – Draft conditions of consent

Options

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

Approve DA2026/091 for a Two-Storey Dwelling with Garage & Swimming Pool with Safety Barrier & Boundary Fence at 113 Adelaide Street, Gol Gol (Lot 221 DP43587) subject to draft conditions of consent (attachment 7).

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 1979*.

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 1979*.

Conclusion

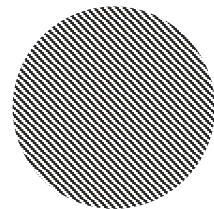
Having consideration to the content of this report it is concluded that the appropriate course of action is to approve development application DA2026/091 subject to draft conditions of consent.

Attachments

1. Development Application (under separate cover)⇒
2. Statement of Environmental Effects↓
3. 4.6 Variation request (under separate cover)⇒
4. Plans (under separate cover)⇒
5. DCCEEW referral letter↓
6. Section 4.15 Assessment Report↓
7. Draft conditions of consent↓



JACKSON
PLANNING



Planning Report

Dwelling, Swimming Pool, fence
and Variation to LEP Standard 7.6

113 Adelaide Street
Gol Gol, NSW, 2738



EXECUTIVE SUMMARY

Proposal	Construction of a two storey dwelling, in ground swimming pool, boundary fence and variation to LEP Standard 7.6
Street Address	113 Adelaide Street, Gol Gol
Formal Land Description	Lot 221 on DP 43587
Zone	RU5 – Village
Relevant State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 – Murray River Lands

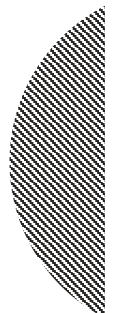


SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 113 Adelaide Street, Gol Gol, and more formally as Lot 221 on DP 43587. The site contains a domestic storage shed and an existing access point to Adelaide Street but is largely unutilised. It has an area of 1658 square metres (sqm), a frontage of 21.205m to Adelaide Street and abuts the Murray River to the rear. Due to the interface with the Murray River, there are environmental and cultural considerations, however, the land has already largely been disturbed and there is no native vegetation. All reticulated services are available to support the proposed development.

The site is within an established residential area, approximately 890m to the west of the Gol Gol post office. The surrounding area is typically used in a similar manner, with dwellings on generous allotment sizes fronting the Murray River.

An aerial image of the site and surrounding area as well as site photos are contained on the following pages.



Aerial Image of the Site and Surrounding Area

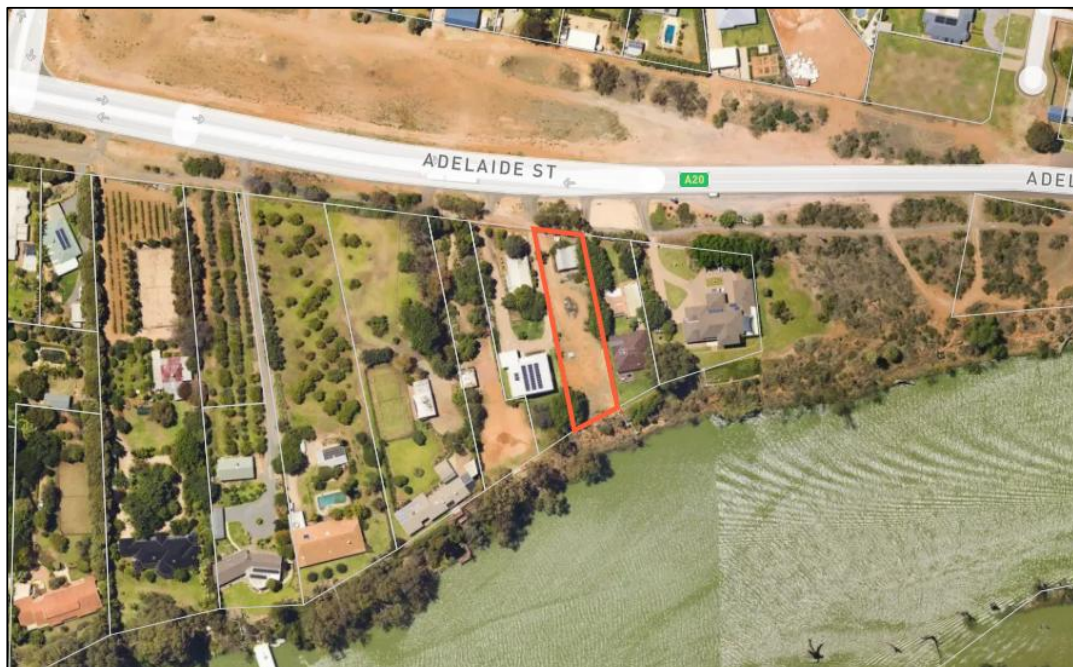


Figure 1: Subject site and surrounding area (Source: NSW Planning Portal Spatial Viewer)

Site Photos



Figure 2: View of the site from Adelaide Street



Figure 3: View of the site from the south

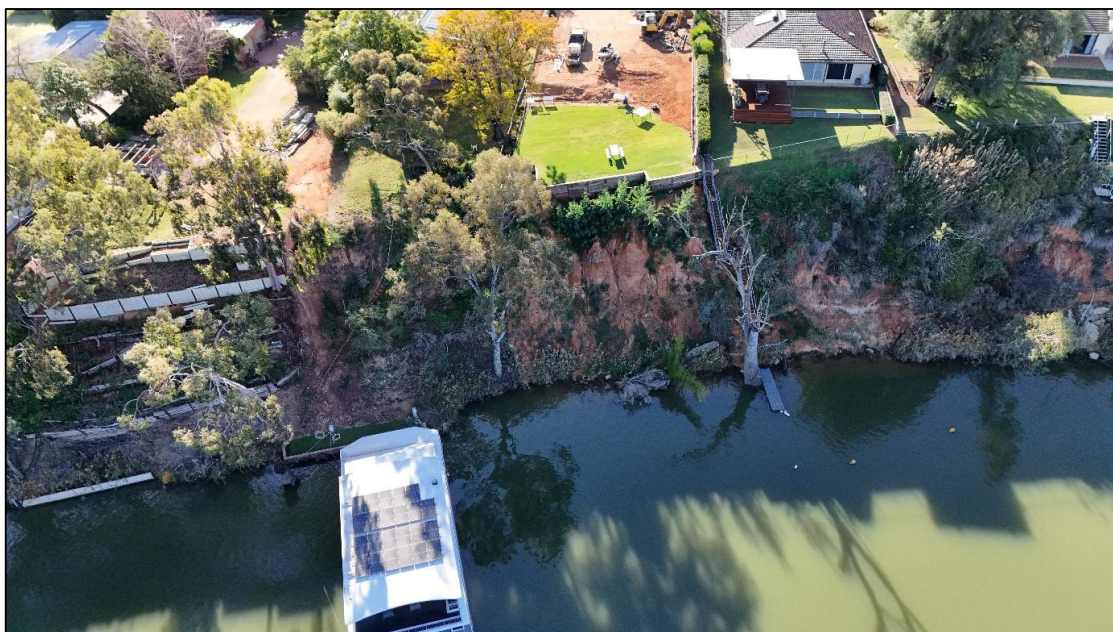
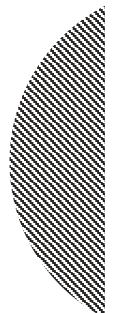


Figure 4: View of the interface with the Murray River



Figure 5: Aerial view of the site



PROPOSAL DESCRIPTION

This proposal seeks approval for the construction of a two storey dwelling, in ground swimming pool, boundary fence and variation to LEP Standard 7.6, as summarised below.

- The proposed dwelling is two storey and contains five bedrooms (master with WIR and ensuite), open plan kitchen, meals and family area, walk in pantry, two bathrooms, powder room, laundry, separate lounge, alfresco and double garage.
- The dwelling has a maximum height of 7.28m above natural ground. The external appearance of the dwelling is modern with a flat roof and rendered walls. The colour scheme consists of muted neutral tones.
- An in-ground swimming pool and glass safety fence is proposed along the eastern side of the dwelling. The pool has a footprint of 8.2m x 3.4m and a depth ranging from 1.18m to 1.85m.
- A new boundary fence is proposed along a portion of the western boundary. A 2m high rendered brick fence will be located adjacent to the proposed dwelling and a standard Colorbond fence with red gum sleepers (max height 2m) will extend to the rear boundary.
- The proposed dwelling is setback consistent with existing dwellings from the Murray River; however, it is less than 30m from the high bank. As such, variation to LEP Standard 7.6 is sought.
- An existing accessway from the Silver City Highway will be utilised, no changes are proposed
- The dwelling will be connected to all reticulated services with the exception of gas. Stormwater will be directed to a rainwater tank with overflow to the legal point of discharge.

PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The Subject site is within the RU5 – Village

The objectives of the zone are:

- *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.*

The proposed dwelling is located within an established residential estate and will support the development of Gol Gol, more specifically an unutilised site that has been vacant for many years. The dwelling has been designed to meet sustainability targets and is appropriately located so as not to unreasonably impact on the adjoining land. As such, the proposal supports the objectives of the RU5 zone.

Clause 7.6 Development on river front areas

(1) *The objectives of this clause are as follows—*

- *to support natural riverine processes, including the migration of the Murray River's channels,*
- *to protect and improve the bed and bank stability of the Murray River,*
- *to maintain and improve the water quality of the Murray River,*
- *to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors,*

- to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.
- (2) Despite any other provision of this Plan, development consent may only be granted to development on land in a river front area for the following purposes—
- boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,
 - the extension or alteration of an existing building that is wholly or partly in the river front area, but only if the extension or alteration is to be located no closer to the river bank than the existing building,
 - environmental protection works,
 - extensive agriculture and intensive plant agriculture,
 - walking trails, cycleways, picnic facilities, recreation facilities and recreation facilities (outdoors),
 - water recreation structures.
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied of the following—
- that the appearance of the development, from both the Murray River and the river front area will be compatible with the surrounding area,
 - that the development is not likely to cause environmental harm, including (but not limited to) any of the following—
 - pollution or siltation of the Murray River,
 - any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,
 - any adverse effect on drainage patterns,
 - that the development is likely to cause only minimal visual disturbance to the existing landscape,
 - that continuous public access, and opportunities to provide continuous public access, along the river front and to the Murray River are not likely to be compromised,
 - that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land is to be maintained.

Discussion

The proposed development is located within 30m of the high bank of the Murray River and it is not for a purpose listed under Subclause 2. As such, variation to this standard is sought and justification for the variation is enclosed in a separate document.

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

The objective of this clause is to protect and maintain the following—

- *water quality within the Murray River and other watercourses,*
- *the stability of the bed and banks of the Murray River and other watercourses,*
- *aquatic riparian habitats,*
- *ecological processes within the Murray River and other watercourses and riparian areas.*

Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

- *is likely to cause any adverse impact on the following—*
 - *the water quality and flows within a watercourse,*
 - *aquatic and riparian species, habitats and ecosystems,*
 - *the stability of the bed, shore and banks of a watercourse,*
 - *the free passage of fish and other aquatic organisms within or along a watercourse,*
 - *any future rehabilitation of a watercourse and riparian areas, and*
- *will increase water extraction from a watercourse.*

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 significant adverse environmental impact, or*
- *if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Discussion

The proposed development is not considered to result in any detrimental impacts to the Murray River and surrounding environs. The subject land is intended to be used for residential purpose and was disturbed and cleared many years ago. All stormwater and wastewater will be managed appropriately and directed to the legal point of discharge.

Variation to Standard 4.2B

Please refer to separate Clause 4.6 Variation Report.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 – Murray River Lands

The aims of this Chapter are to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of this Chapter are—

- *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- *to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and*
- *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

Clause 5.8 General Principles

When this Part applies, the following must be taken into account—

- *the aims, objectives and planning principles of this Chapter,*
- *any relevant River Management Plan,*
- *any likely effect of the proposed plan or development on adjacent and downstream local government areas,*
- *the cumulative impact of the proposed development on the River Murray.*

Clause 5.9 Specific Principles

When this Part applies, the following must be taken into account—

Access

- *The waterway and much of the foreshore of the River Murray is a public resource. Alienation or obstruction of this resource by or for private purposes should not be supported.*
- *Development along the main channel of the River Murray should be for public purposes. Moorings in the main channel should be for the purposes of short stay occupation only.*
- *Human and stock access to the River Murray should be managed to minimise the adverse impacts of uncontrolled access on the stability of the bank and vegetation growth.*

Bank disturbance

- *Disturbance to the shape of the bank and riparian vegetation should be kept to a minimum in any development of riverfront land.*

Flooding

Where land is subject to inundation by floodwater—

- *the benefits to riverine ecosystems of periodic flooding,*
- *the hazard risks involved in developing that land,*
- *the redistributive effect of the proposed development on floodwater*
- *the availability of other suitable land in the locality not liable to flooding,*
- *the availability of flood free access for essential facilities and services,*
- *the pollution threat represented by any development in the event of a flood,*
- *the cumulative effect of the proposed development on the behaviour of floodwater,*
and
- *the cost of providing emergency services and replacing infrastructure in the event of a flood.*

Land degradation

- *Development should seek to avoid land degradation processes such as erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salination and soil acidity, and adverse effects on the quality of terrestrial and aquatic habitats.*

Landscape

- *Measures should be taken to protect and enhance the riverine landscape by maintaining native vegetation along the riverbank and adjacent land, rehabilitating degraded sites and stabilising and revegetating riverbanks with appropriate species.*

River related uses

- *Only development which has a demonstrated, essential relationship with the river Murray should be located in or on land adjacent to the River Murray. Other development should be set well back from the bank of the River Murray.*
- *Development which would intensify the use of riverside land should provide public access to the foreshore.*

Water quality

- *All decisions affecting the use or management of riverine land should seek to reduce pollution caused by salts and nutrients entering the River Murray and otherwise improve the quality of water in the River Murray.*

Discussion

The proposed development has been assessed against the relevant provisions of Chapter 5 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The subject site comprises an existing residential allotment that has been historically cleared and disturbed for an extended period. The land does not contain remnant native vegetation of ecological significance, nor does it form part of any identified biodiversity corridor, threatened ecological community, or critical habitat.

The proposal includes the construction of a new dwelling, swimming pool and associated fencing. All works are confined to the previously disturbed building envelope of the site. No vegetation clearing of ecological significance is required to facilitate the development.

The site adjoins a river; however, no works are proposed to the riverbank or riparian corridor. Existing access steps to the river are to remain unaltered. As such, the development will not result in any direct or indirect impacts on riparian vegetation, bank stability, water quality, or aquatic habitat.

Given the nature of the site and the scope of works, the proposal is unlikely to have any adverse impact on biodiversity values or ecological processes. The development does not trigger the Biodiversity Offset Scheme, and no further biodiversity assessment is considered necessary.

Accordingly, the proposal is consistent with the objectives and relevant provisions of Chapter 5 of the SEPP, as it avoids impacts on native vegetation, protects adjacent environmental features, and does not result in any significant ecological disturbance.

Wentworth Development Control Plan

Chapter 5 – Rural Development Controls

Chapter 4 – Residential Development Controls

4.1.1 Site Context and Analysis

The plans submitted with this application demonstrate how the proposed development responds to site specific conditions and the site has been described in detail previously in this report. The site is within an established residential area and typically comprised of a range of single storey and two storey dwellings on generous allotments fronting the Murray River. Whilst the site abuts the Murray River corridor, it was previously cleared and altered to suit residential development. Within the boundaries of the subject land, there are no major constraints including steep topography, native vegetation, reticulated services and heritage etc.

4.1.2 Streetscapes

The proposed dwelling responds to the established and varied streetscape character of the area, which comprises a mix of dwelling types and architectural styles in a riverside setting adjoining the Murray River. Two-storey dwellings are present within the surrounding context, and the proposed scale is considered appropriate.

The dwelling adopts a contemporary rendered form, with the front façade articulated through recesses, projections and subtle variations in plane. This breaks down the overall building mass, reduces visual bulk and creates depth and shadow. The design presents well to both the street and river frontage, responding to the site's orientation and setting, and complements adjoining development without direct replication.

The double garage is recessed behind the main building line and has been designed to be consistent with the overall architectural character and colour palette of the dwelling, ensuring it does not dominate the streetscape.

Overall, the proposal provides a high-quality built form that contributes positively to the streetscape and riverine context, and meets the intent of the control.

4.1.3 Front Setback

The proposed dwelling is located behind an existing shed that presents to the primary street frontage. As such, the dwelling does not directly interface with the street and is not readily visible within the streetscape.

Given this arrangement, the front setback control is not considered directly applicable to the dwelling itself, as the built form addressing the street is already established by the existing shed.

Notwithstanding this, the dwelling is appropriately sited within the lot, maintaining a generous separation from the front boundary and ensuring no adverse impact on the streetscape or adjoining properties.

Accordingly, the proposal is considered to satisfy the intent of the control.

4.1.4 Side setbacks and Corner Lot Setbacks

Clause 4.1.4 requires two storey development to be assessed with regard to Diagram D4. Noting that Diagram D4 is not included within the publicly available version of the DCP, the proposal has been assessed against the underlying intent of the control.

The upper level is setback approximately 6.3m to one side boundary and 2.4m to the other. These setbacks provide adequate separation from adjoining properties and are sufficient to reduce visual bulk and minimise overshadowing and overlooking impacts.

The proposal maintains reasonable amenity outcomes for adjoining development, including access to light, ventilation and privacy, and is therefore considered to satisfy the intent of Clause 4.1.4.

4.1.5 Rear setbacks

The subject site adjoins the Murray River to the rear, and as such does not interface with a conventional residential rear boundary. Accordingly, the rear setback control is not considered directly applicable in this instance.

Notwithstanding this, the proposed dwelling is setback approximately 15m from the rear boundary, providing a generous separation to the river corridor. Further consideration of the rear setback, including the garage setback, is addressed in the attached Clause 4.6 variation assessment.

Accordingly, the proposal is considered to satisfy the intent of Clause 4.1.5.

4.1.6. Walls on Boundaries

Not applicable – no walls are proposed on or within 150mm of a boundary.

4.1.7 Building heights and overshadowing

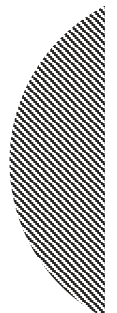
Shadow diagrams have been provided which demonstrate that overshadowing is generally contained within the subject site, with some morning and afternoon shadow extending to adjoining lots (generally confined to the area to the side of the existing dwellings). The proposal does not result in unreasonable overshadowing of secluded private open space or habitable room windows and maintains an acceptable level of solar access to adjoining properties. Accordingly, the development satisfies the intent of the control.

4.1.8 Site Coverage

The site coverage of the proposed development is approximately 25% which complies with this control.

4.1.9 Private Open Space

The dwelling is provided with private open space that exceeds the minimum requirements of Clause 4.1.9, with a total area of approximately 1250m², including covered and uncovered outdoor space and a swimming pool.



The secluded private open space exceeds the minimum 25m² requirement, provides dimensions greater than 3 metres, and is directly accessible from the primary living areas. In addition, an upper level balcony is linked to a retreat area and master bedroom which further enhances amenity and opportunities for outdoor use.

The private open space areas are functional, well-oriented and capable of accommodating a range of recreational and domestic activities. Accordingly, the proposal satisfies the requirements and intent of Clause 4.1.9.

4.1.10 Energy Efficiency and Solar access

Due to the orientation and configuration of the lot, private open space and primary living areas are located to the southern side of the dwelling. This arrangement is a direct response to site constraints and cannot be reasonably avoided without compromising the overall functionality of the layout and site planning. Notwithstanding this, the dwelling has been designed to maximise available solar access through appropriate window placement, internal layout and connection to outdoor areas. Shadow diagrams demonstrate that the dwelling is capable of receiving adequate levels of sunlight to private open space. The layout, orientation and design response ensure a reasonable level of amenity and energy efficiency, consistent with the intent of the control and supported by BASIX requirements.

4.1.11 Daylight to existing windows

The proposed development has been designed to maintain adequate access to daylight for existing habitable room windows on adjoining properties. Appropriate separation distances are provided between buildings, ensuring that no new walls unreasonably restrict daylight to neighbouring windows.

Where building elements are located in proximity to side boundaries, setbacks and articulation ensure that sufficient light courts are maintained, with clear access to the sky.

Given the scale, siting and orientation of the development, the proposal does not result in unreasonable impacts on daylight access to adjoining habitable room windows and is therefore considered to satisfy the intent of Clause 4.1.11.

4.1.12 North-facing windows

Not applicable – no north facing windows within 3m of the boundary.

4.1.13 Overlooking

The proposed development has been designed to minimise overlooking to adjoining properties. Overlooking toward the western boundary does not extend to the adjoining dwelling or its secluded private open space.

To the eastern boundary, potential overlooking from the upper level balcony is mitigated through the provision of screening, preventing direct views toward adjoining properties. Other openings on this elevation are limited to non-habitable spaces, including a bathroom window with a sill height of approximately 2 metres above finished floor level, further preventing overlooking.

Given the window design, screening measures and orientation, the proposal avoids unreasonable direct overlooking within the prescribed 9 metre distance and 45 degree arc. Accordingly, the development satisfies the intent of Clause 4.1.13.

4.1.14 Fencing and Retaining Walls

No front fencing is proposed as part of this application. A boundary fence is proposed along a portion of the western boundary, which is consistent in height and appearance with existing fencing typical of the surrounding residential area.

4.1.15 Car Parking and Vehicle Access

The proposal provides two on-site car parking spaces within the garage, with additional capacity available within the driveway to accommodate visitor or overflow parking.

Vehicle access is provided via the existing crossover to Adelaide Street, with no changes proposed to the current access arrangement. The driveway will be constructed with an all-weather surface, ensuring safe and reliable access.

Adequate manoeuvring space is available on site to enable vehicles to enter and exit in a forward direction, consistent with the requirements of Australian Standard 2890.1. Given the provision of on-site parking, existing access arrangements and appropriate manoeuvring areas, the proposal satisfies the requirements and intent of Clause 4.1.15.

4.1.16 Cut and Fill

The dwelling is located over a relatively flat portion of the site. As such, only minimal earthworks are anticipated, with cut and fill not expected to exceed 0.3 metres.

General Assessment

Visual Impacts

Refer DCP assessment.

Open Space

Refer DCP assessment.

Overshadowing and Privacy

Refer DCP assessment.

Noise

Only standard domestic mechanical plant will be associated with the proposed building, which will emit noise typical for a domestic building. Pool equipment will be enclosed to minimize noise impacts.

Erosion Control Measures

No specific erosion control measures are considered necessary for this development as the land is generally flat. Any minor earthworks will be appropriately battered and retained (if necessary).

Economic and Social Impacts

Albeit minor, the proposed dwelling will contribute to the economic and social wellbeing of the Gol Gol township by increasing investment in the local area and social interaction with the local community.

Environmental Benefits

Due to the nature of this development, no significant environmental benefits are envisaged.

Disabled Access

Not applicable for this application. Any accessibility requirements under the National Construction Code will be assessed as part of the Construction Certificate process.

Security, Site Facilities and Safety

Not applicable for this application.

Waste Management

Not applicable for this application – standard domestic waste services will be provided by Council.

National Construction Code

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

Traffic

The proposed dwelling will result in standard domestic travel within the existing road network. All vehicle access is provided via an existing crossover to Adelaide Street. The development does not require any alterations to the existing road network and will not adversely impact traffic conditions or safety. Accordingly, the proposal is considered to have a negligible impact on the surrounding transport network.

Stormwater/flooding

The site is not subject to any identified natural hazards and stormwater will be directed to the legal point of discharge.

Bushfire

Not applicable.

CONCLUSION

This report demonstrates that the proposal is consistent with the relevant provisions of the *Wentworth Local Environmental Plan 2011* and the Wentworth DCP.

The proposed development is appropriate for the site as it:

- Supports the objectives of the Zone RU5 - Village;
- Is appropriately located on the subject site;
- Will have an acceptable impact on the locality in terms of character and amenity; and
- Will not result in any detrimental impacts on the environment.

Furthermore, compliance with the development standard 7.6 would be unreasonable and unnecessary in the circumstances of this case.

It is considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the proposal as described in this report at 113 Adelaide Street, Gol Gol.

Department of Climate Change, Energy, the Environment and Water-Water Group



Contact: Department of Climate Change, Energy, the Environment and Water-Water Group

Phone: 1300081047

Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2026-10299

Your ref: DA2026/091

2 June 2026

The General Manager
WENTWORTH SHIRE COUNCIL
61 DARLING STREET WENTWORTH 2648

Attention: Chloe Stephenson

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2026-10299 - Referral under SEPP (Biodiversity and Conservation) 2021
Dev Ref: DA2026/091
Description: Construction of a two storey dwelling, in ground swimming pool, boundary fence and variation to LEP Standard 7.6
Location: Lot 221, DP43587, 113 ADELAIDE STREET GOL GOL 2738

The Department of Climate Change, Energy, the Environment and Water-Water Group has reviewed documents for the above development application which has been referred under the **SEPP (Biodiversity and Conservation) 2021**. For the purposes of the *Water Management Act 2000 (WM Act)*, the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.

Exemption

Water Management (General) Regulation 2025 Schedule 4, 56 Activities relating to certain dwellings

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry:
<https://www.dpie.nsw.gov.au/water/water-assist>

Yours Sincerely

For
Patrick Pahlow
Team Leader
Licensing Approvals
Department of Climate Change, Energy, the Environment, and
Water-Water Group

	Health & Planning Department 61 Darling 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
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File Reference:	DA2026/091 & PAN-637663
Property Title & Address:	P1068/1 – 113 Adelaide Street Lot 221 DP 43587 Gol Gol
Property owner(s):	Barbara Roycroft
Applicant(s):	Jackson Planning
Proposal:	Two (2) Storey Dwelling, Swimming Pool with Safety Barrier and Boundary Fence
Previous DAs:	DA10/129 Dwelling, Garage, Swimming Pool & Outdoor Area DA2021/158 Extension to Existing Dwelling
Cost of proposed development:	\$1,800,000.00
Recommendation of Officer:	Approval, subject to conditions of consent

SITE AND SURROUNDING DEVELOPMENT

The site is Lot 221 DP 43587 located at 113 Adelaide Street, Gol Gol. The Lot has an area of 1658m² and connects to Adelaide Street/Sturt Highway. There is an existing domestic residential storage shed onsite. The lot site adjoins the Murray River.

The site is zoned RU5 Village under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The site is a rectangular shaped lot with no native vegetation remaining due to the site being established for many years. Adjoining lots are also zoned RU5, with some residential development being established. The site does not contain a heritage item and is not located within a heritage conservation area. The site is not located within a bushfire prone area, or a flood affected area. The site is not located within the urban release area. There is a Watercourse overlay on the site.

Site details are in Table 1 and an aerial view in Figure 1.



Figure 1: Aerial view of the site (outlined in yellow).

Table 1: Site details

Zoning of the site	RU5 Village
Heritage	NA
Flooding affected	NA
Bushfire affected	NA
Biodiversity Values mapped	NA
Acid sulphate soil mapped	NA
Urban release areas mapped	NA
Watercourse	NA

DESCRIPTION OF PROPOSAL

Council has received an application for construction of a two-storey dwelling, in-ground swimming pool, boundary fence and variation to LEP standard 7.6. To support the proposal, the applicant has provided the following information:

- The proposed dwelling is two storey and contains five bedrooms (master with WIR and ensuite), open plan kitchen, meals and family area, walk in pantry, two bathrooms, powder room, laundry, separate lounge, alfresco and double garage.
- The dwelling has a maximum height of 7.28m above natural ground. The external appearance of the dwelling is modern with a flat roof and rendered walls. The colour scheme consists of muted neutral tones.
- An in-ground swimming pool and glass safety fence is proposed along the eastern side of the dwelling. The pool has a footprint of 8.2m x 3.4m and a depth ranging from 1.18m to 1.85m.
- A new boundary fence is proposed along a portion of the western boundary. A 2m high rendered brick fence will be located adjacent to the proposed dwelling and a standard Colorbond fence with red gum sleepers (max height 2m) will extend to the end of the pool area.
- The proposed dwelling is setback consistent with existing dwellings from the Murray River; however, it is less than 30m from the high bank. As such, variation to LEP Standard 7.6 has been sought.
- An existing accessway from the Silver City Highway will be utilised, no changes are proposed
- The dwelling will be connected to all reticulated services with the exception of gas. Stormwater will be directed to a rainwater tank with overflow to the legal point of discharge.

Further details are contained in Figures 2 & 3 below:

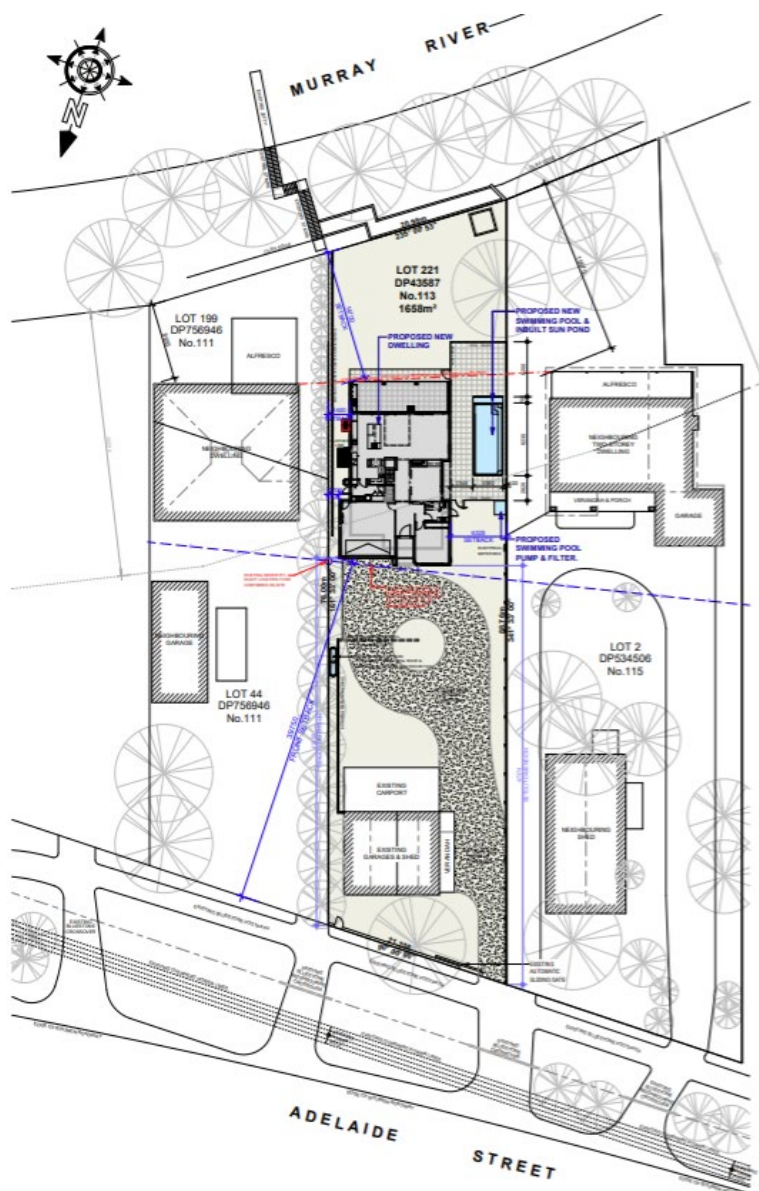


Figure 2 - Site Plan

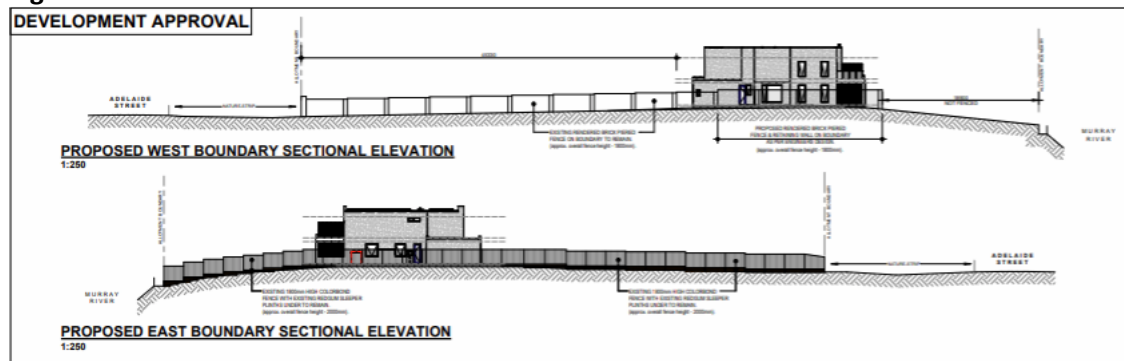


Figure 3 - Elevations

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

21 May 2026

The development application was lodged with Council.

	The development application was placed on 14 days public exhibition until 8 June 2026.
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SECTION 4.15 ASSESSMENT – EP&A ACT 1979

The following is an assessment of the application under Section 4.15(1) of the EP&A Act 1979.

1. *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a) the provision of:

(i) any environmental planning instrument,

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 Vegetation in non-rural areas

This chapter applies relevantly to land in zones RU5, R5, E1, E3, E4, SP1, SP2, SP3, RE1, RE2, C2, C3, C4. Part 2.2 (relevantly and generally) applies to clearing of native vegetation above the Biodiversity Offset Scheme threshold where an approval from the Native Vegetation Panel is required. The proposed clearing does not exceed the biodiversity offset scheme threshold. Part 2.3 does not apply as the WDCP does not declare any vegetation to be that to which Part 2.3 applies. Part 2.5 does not apply as the Council is not within the allowable clearing areas mapped.

Chapter 3 Koala habitat protection 2020

Chapter 3 applies (relevantly) to land in the RU1 Primary Production and RU3 Forestry zones with an area of more than 1 hectare or which together with adjoining land in the same ownership has an area of more than 1 hectare. The site is not within either of these zones / does not fall within these criteria and the Chapter does not apply.

Chapter 5 River Murray lands

Chapter 5 applies to riverine land of the River Murray in the Wentworth Shire. The River Murray is defined to include:

- The waters of the main channel of the Murray River and its bed and banks (Murray River), and
- The waters and the bed and banks of its tributaries and associated water bodies (including related anabranches, creeks, lagoons, lakes, billabongs and wetlands), as shown on the map.

The chapter does apply to the application.

Part 5.2 of the SEPP requires planning principles to be considered by the consent authority when determining a development application and requires the consent authority to consider the aims, objectives and planning principles of the chapter, any relevant River Management Plan and likely effects and cumulative impacts. Those matters and the specific principles in section 5.9 of the SEPP have been considered satisfactory.

Section 5.12 contains the planning control and consultation table applicable to development within the chapter. As the proposal relates to a two-storey dwelling, swimming pool and fencing, no

specific controls or consultation requirements are triggered in this instance. Furthermore, the proposed development is not considered to conflict with the objectives of this section of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate (Certificate number: 1839647S Date of issue: 27th March 2026) has been issued in accordance with the standards of the State Environmental Planning Policy (Sustainable Buildings) 2022, and the commitments required by this certificate have been satisfied and included on the development plans.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration. A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

WENTWORTH LOCAL ENVIRONMENTAL PLAN (WLEP) 2011

The development site is subject to WLEP 2011.

Part 2 – Permitted or Prohibited Development

The site is zoned RU5 Village, where the Dwelling and ancillary development (Swimming Pool and Fencing) is permissible with consent. The proposal is also consistent with the relevant zone objectives.

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.*

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.*

Part 4 – Principal Development Standards

Part 4 Principal Development Standards are not applicable to this application.

Part 5 – Miscellaneous Provisions

Clause 5.10 - Heritage Conservation

The site is not listed as a heritage item nor located within a heritage conservation area nor in the vicinity of such an item or area. Therefore the provisions of this clause do not apply.

Clause 5.21 - Flood Planning

The proposed site is not located within the flood planning levels. Therefore Clause 5.21 does not apply.

Part 6 – Urban Release Areas

The site is not identified in the Urban Release Areas. The public utility infrastructure essential for the proposed development is available.

Part 7 – Additional Local ProvisionsClause 7.1 Earthworks

The proposal involves significant excavation works for the provision of a swimming pool and ancillary works. The extent of excavation has been limited to the footprint of the swimming pool. The depth of excavation has been kept to minimum requirements. The proposed works are unlikely to disrupt or effect existing drainage patterns or soil stability in the locality or effect the future use or development of the land. It is unlikely to affect the existing and likely amenity of adjoining properties. There is no potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas. Accordingly, the proposed excavation works are considered to satisfactorily address the objectives of Clause 7.1 of WLEP 2011.

Clause 7.2 Essential Services

Clause 7.2 of WLEP 2011 requires consideration to be given to the adequacy of essential services available to the site. The site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. The site is considered to be adequately serviced for the purposes of the proposed development.

is no potential for adverse impacts on the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity of the land. Accordingly, the proposed development is considered to satisfactorily address the objectives of Clause 7.5 of WLEP 2011.

Clauses 7.6 – Development on river front areas – these are defined in the WLEP 2011

The proposed two-storey dwelling, swimming pool and associated fencing have been assessed having regard to Clause 7.6 of the Wentworth Local Environmental Plan 2011. The development is considered to be compatible with the character and environmental values of the locality and will not result in any unacceptable impacts on the scenic quality, landscape character, or amenity of the surrounding area. The siting, scale and design of the dwelling, together with the location of the pool and fencing, are considered appropriate with precedence being set by adjoining properties. Subject to councils' approval of the variations, compliance with the recommended conditions of consent, the proposal is considered to satisfy the objectives and requirements of Clause 7.6 and is therefore supported.

Clause 7.7 - Riparian land and Murray River and other watercourses (applies to land identified as a watercourse on the Natural Resource – Watercourse map and land within 40 metres of the top of bank.

The proposed two-storey dwelling, swimming pool and associated fencing have been assessed having regard to Clause 7.7 (Watercourses) of the Wentworth Local Environmental Plan 2011. The development is not expected to adversely affect the natural flow, water quality, stability, ecological values or environmental functions of any nearby watercourse. Appropriate measures can be implemented during construction to manage stormwater runoff, erosion and sedimentation, ensuring that no sediment or pollutants enter adjacent waterways. The proposal is considered compatible with the objectives of the clause and will not result in any significant impact on the

health, function or environmental values of surrounding watercourses. Accordingly, the development is considered satisfactory with respect to Clause 7.7 of the LEP.

(ii) any draft instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft instruments that are relevant to an assessment of the proposed development on the site.

(iii) any development control plan,

The proposed development is subject to the provisions of the Wentworth Shire Development Control Plan (WSDCP) 2011 which is considered in the below table.

Variation 4.6 Assessment – Variation requested to Clause 7.6 of the LEP

The application is accompanied by a written request pursuant to Clause 4.6 of the Wentworth Local Environmental Plan 2011 seeking to vary the development standard contained within Clause 7.6 – Riverfront Areas.

Clause 4.6(3)(a) requires the consent authority to be satisfied that the applicant's written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Clause 4.6(3)(b) requires sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant's submission identifies that the proposed development encroaches within the mapped riverfront area and therefore does not achieve strict compliance with Clause 7.6. The written request demonstrates that the proposed development is of a scale and nature that will not adversely impact the environmental values of the river corridor, water quality, riverbank stability, riparian vegetation or ecological processes. The development matches adjoining properties in terms of development setbacks. The proposal has been designed to minimise disturbance to the riverfront area and appropriate management measures have been imposed through conditions of consent.

Having regard to the circumstances of the site and the nature of the proposed development, it is considered that strict compliance with the development standard would be unreasonable and unnecessary as the objectives of Clause 7.6 are achieved notwithstanding the non-compliance.

The objectives of clause 7.6 are:

- (a) to support natural riverine processes, including the migration of the Murray River's channels,*
- (b) to protect and improve the bed and bank stability of the Murray River,*
- (c) to maintain and improve the water quality of the Murray River,*
- (d) to protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors,*
- (e) to conserve and protect the riverine corridors of the Murray River, including wildlife habitat.*

The proposal is considered to satisfy the objectives of Clause 7.6 for the following reasons:

- The development will not adversely affect river flows, drainage patterns or water quality.
- The proposal will not result in the removal of significant riparian vegetation nor adversely affect riverbank stability.

- The ecological values and habitat functions of the river corridor will be maintained.
- Environmental impacts associated with the development are minor and can be appropriately managed through conditions of consent.
- The development is compatible with the existing character of the locality and will not detract from the scenic qualities of the river corridor.

The applicant's written request is considered to establish sufficient environmental planning grounds to justify the variation. Furthermore, the proposal remains consistent with the objectives of the relevant zone and the broader strategic intent of the Wentworth Local Environmental Plan 2011.

Accordingly, the Clause 4.6 request is considered satisfactory. The consent authority can be satisfied that the requirements of Clause 4.6 have been met, that the proposal is in the public interest because it is consistent with the objectives of the development standard and the relevant zone objectives, and that concurrence may be assumed in accordance with the provisions of the Environmental Planning and Assessment Regulation.

Wentworth Development Control Plan (DCP) 2011

Chapter 3 - General Controls

2.1 Murray River and Darling River

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
2.1 Setback	R5 and RU5 Village frontage to Murray River – 40m Or RU5 Village for Carbone Court Buronga – 30m Or RU1 Primary Production – 100m	The proposed development is located within the 40m setback area. A 4.6 Variation assessment with the request to vary clause 7.6 in the LEP to allow the dwelling and swimming pool to be located within the setback. Councils assessment against the 4.6 variation is provided below. Dwelling – 14.7m - This represents a variation of 51%. Swimming Pool – 19.97m - This represents a variation of 30%.	Does Not Comply.

2.1 Buffer corridor	All properties – 40m Or Carbone Court Properties – 30m	NA	NA
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Chapter 4 – Residential Development Controls

Applicable WDCP 2011 controls	Development standards			Development proposal	Compliance/ Comment															
4.1.2 Streetscapes	Garage width = <50% of frontage Ground floor and front veranda 500mm above the ground Dwelling articulation is required. The articulation zone should be located 2m from the front boundary Dwelling entry to address the street.			NA – Existing garage and carport.	NA															
4.1.3 Front setback	<table><tr><th>Type of development</th><th>RU5</th><th>R5</th></tr><tr><td>Single-storey building</td><td>6m</td><td>15m</td></tr><tr><td>Residential flat building in new areas</td><td colspan="2">6m (or 4.5m average off)</td></tr><tr><td>Corner lot secondary frontage</td><td colspan="2">4m (unbroken wall < 8m)</td></tr><tr><td>Secondary street front setback (all dwellings)</td><td>4.5m</td><td>15m</td></tr></table>	Type of development	RU5	R5	Single-storey building	6m	15m	Residential flat building in new areas	6m (or 4.5m average off)		Corner lot secondary frontage	4m (unbroken wall < 8m)		Secondary street front setback (all dwellings)	4.5m	15m	Front setback is 39.7m			Complies
Type of development	RU5	R5																		
Single-storey building	6m	15m																		
Residential flat building in new areas	6m (or 4.5m average off)																			
Corner lot secondary frontage	4m (unbroken wall < 8m)																			
Secondary street front setback (all dwellings)	4.5m	15m																		
In established areas of Wentworth, Dareton and Pooncarie: - Setback must match one adjoining building if their setbacks differ by $\leq 2\text{m}$. - If the difference is $> 2\text{m}$, use the average setback of both adjoining dwellings.																				

4.1.4 Side setback and corner lot setbacks	Type of development	Controls	1200mm from the garage, and 2.4m from the main part of the dwelling on the East Side. 6.3m Setback on the West side.	Complies
	Single-storey building	1m (minimum) & 4.5m (combined)		
	Corner lot - Single-storey building	2m (minimum)		
	Residential flat building	1m (minimum)		
	Some structures allowed in the side setback			
4.1.5 Rear setback	Type of development	Controls	14.7m rear setback	Complies
	Single-storey building	3m (minimum)		
	Two-storey building	6.5m (minimum) for the 2 nd storey component		
	Residential flat building	7.5m (minimum)		
	Note: Balconies with 1.7m obscure screening for balcony allowed in setback			
4.1.6 Walls on boundaries	Max length = 10m + 25% of the remaining boundary length OR match the length of an existing or simultaneously built wall/carport on the neighbouring lot (whichever is longer) The slope, retaining walls, or fences make the effective height of the wall/carport less than 2m on the neighbour’s side. The new wall on the boundary includes those within 150mm of a side or rear boundary. New wall height on or within 150mm of the boundary or a carport within 1 metre of the boundary: Average height: ≤ 3m Maximum height: ≤ 3.6m		NA	NA

	Exception: Can exceed these if abutting a higher existing or simultaneously built wall		
4.1.7 Building heights and overshadowing	Shadow diagrams are required for two-storey developments at 9am, 12pm, and 3pm on 21 June and 21 May/September.	Shadow diagrams have been provided showing minimal impact on adjoining properties.	Complies
4.1.8 Site coverage	60% (for single dwelling houses and dual occupancies)	Ground floor occupies 234sqm, and with the existing garage the overall site coverage is still well below 60%. (lot is 1658sqm)	Complies
4.1.9 Private Open space	Each dwelling must have at least 40m ² of private open space. This must include one of the following: • 25m² at the side or rear, with 3m minimum width and direct access from a living room, Or • A balcony of 8m², minimum 1.6m wide, with direct access from a living room.	The proposed development easily exceeds this requirement	Complies
4.1.10 Energy efficiency and solar access	Living areas and private open spaces must receive 4 hours of direct sunlight between 9am–3pm on 22 June.	Living areas and private open space receives adequate sunlight.	Complies
4.1.11 Daylight to existing windows	Buildings facing a habitable room window must provide a light court: - Min. area: 3m² - Min. dimension: 1m clear to the sky - May include land from the neighbouring lot Walls or carports > 3m in height opposite an existing habitable room to be set back 50% of the height of the new wall	Adjoining dwellings are adequately setback from their boundaries, in addition to this development having adequate setbacks.	Complies
4.1.12 North-facing windows	If a north-facing habitable room window is within 3m of a	NA – not within 3m	Complies

	boundary, buildings on the abutting lot must be set back: - 1m, plus 0.6m for each metre of height over 3.6m up to 6.9m, - plus 1m for each metre of height over 6.9m - Applies for a 3m wide zone on each side of the window A north-facing window is oriented between N 20° W and N 30° E.		
4.1.13 Overlooking	No direct views into secluded private open space or habitable room windows of existing dwellings within 9m (measured at ground level). Views assessed within a 45° angle and from 1.7m above floor level. If direct views exist within 9m: • Offset windows/balconies by 1.5m, or • Raise sill height to 1.7m, or • Use fixed obscure glazing below 1.7m, or • Install external screens to 1.7m high, max 25% transparency Screens must be: • Durable, permanent, and blended with the building • Made of perforated panels, trellis, or solid translucent panels Exception: • Control doesn't apply if: ☐ Facing a 1.8m high visual barrier, and ☐ Floor level is < 0.8m above ground at the boundary	No direct views into adjoining properties with aluminium screens on the rear of the property. Obscured glazed windows used for windows from the first floor.	Complies
4.1.14 Fencing and retaining walls	Front fence = 1.5. (main road) Or 1.2m (other street)	NA	NA

4.1.15 Car parking and vehicle access Other uses in the table in Chapter 3 s 5.2 (page 26) of the DCP	Dwelling house = 1 space per dwelling Or Dual occupancy = 2 spaces Or Multi-unit development = 2 spaces per dwelling unit, plus 0.25 spaces per dwelling unit (visitor spaces) Multi-dwelling driveways = Offset 2m for the first 6m, then 1m along the full length (Offset areas must be landscaped) Or Dual occupancy driveways = Offset 1.5m from the side boundary within the front setback (Must be landscaped) Driveways serving multiple dwellings need manoeuvring space for forward entry/exit. Driveways must meet Wentworth Shire Council gradient standards and AS 2890.1 for manoeuvring. From boundary road: plain concrete, max 3m wide, no colour/stencilling. Visitor parking may be within the building line if: Setback 2m from the street, and screened by landscaping	Existing double garage and car port.	Complies
4.1.16 Cut and fill	Cut or fill for dwellings must not exceed 1m. Within 2m of boundaries, fill must be retained within the lot. Beyond 2m, fill may be battered outside the building. Excavations up to 1m allowed for basements/garages.	Minimal cut and fill required. Cut for the swimming pool.	Complies

	Batters must not exceed a 1:2 slope unless site stability is confirmed.		
	Stormwater runoff must not impact neighbouring properties.		

a. Any planning agreement entered into under section 7.4 of draft planning agreement which has been offered

None are relevant.

(iv) any matters prescribed by the regulations,

The relevant clauses of the Regulations have been satisfied and appropriate conditions of consent recommended.

b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. The environmental impacts have been assessed in detail above as summarised in the table below. The proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	x			Even with reduced setback, the proposed works are consistent with the area and adjoining properties, where they are not closer to the river than existing building form along Adelaide Street.
Public domain & Streetscape	x			The proposed location of the generally meets the WDCP 2011 requirements
Landscaping			x	Not part of this application – conditions encourage use of local plant varieties for providing habitat as part of future landscaping.
Stormwater	x			Discharge to legal point of Council's stormwater system to be conditioned.
Heritage			x	None located on site.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Soils & Soils Erosion	x			Earthworks and erosion control to be conditioned as part of approval.
Air and microclimate			x	No effect from proposed development anticipated.
Water Resources	x			No effect anticipated provided the development does not encroach the easements.
Biodiversity (Flora & Fauna)			x	Future landscaping should encourage rehabilitation through growth of native species and create habitat for fauna.
Land Resources			x	None known at this location
Utilities	x			Utilities are available to the site. Conditions of consent will be included that inform the landowner of connection requirements. A special condition will be required in relation to the sewer line location on site relative to the proposed dwelling.
Access & Parking	x			Adequate parking availability on site
Roads & Traffic	x			Construction traffic only anticipated.
Solar Access and Energy Efficiency	x			Basix and NatHERS included with application
Overshadowing	x			Overshadowing diagram provided where there is minimal impact on the adjoining properties
Privacy & Overlooking	x			Aluminium screening and obscure glazed windows have been provided in the design.
Flooding			x	Not in flood affected land.
Bushfire Prone Area			x	Not in bushfire prone land
Noise	x			Only significant noise expected during construction **
Technological hazards	x			None anticipated from the development.
Safety, Security & Crime Prevention	x			Development will not affect the safety of the area
Social and Economic Impacts	x			No negative social and economic impacts anticipated from the proposed development.

c. the suitability of the site for the development,

The size, shape, topography and vegetation of the site and its relationship to adjoining developments is suitable for the proposed development as anticipated by the zoning.

d. any submissions made in accordance with this Act or the regulations,

In accordance with the provisions of Council's Community Participation Plan (CPP), the application was placed on public exhibition for 14 days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

e. the public interest.

The proposed development is of a scale and character that promotes the objectives of the zone. The proposal is generally consistent with what is anticipated by the planning controls and can therefore be considered in the public interest.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	N	
Transport for NSW	N	
Rural Fire Service	N	
Heritage NSW	N	
NSW Dept of Primary Industries	N	
Water Group NSW	Y	Water has determined that the proposed dwelling and ancillary works are exempt from a controlled activity permit.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	N	
Subdivision Engineer	Y	Connection to services and road opening permit if required to Wentworth Council's standards.
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSION

The development application has been assessed in accordance with the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered satisfactory.

The proposed development is permissible with consent within the zone and is generally consistent with the objectives of the applicable zone and the provisions of the Wentworth Local Environmental Plan 2011. The proposal has also been assessed against the relevant provisions of the Wentworth Development Control Plan and is considered to achieve the underlying objectives of the applicable controls. Any minor departures from the DCP provisions are not considered to result in adverse environmental, amenity or planning impacts and are acceptable in the circumstances of the case.

The applicant's request pursuant to Clause 4.6 of the Wentworth Local Environmental Plan 2011 has been considered and is supported. The written request adequately demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances and provides sufficient environmental planning grounds to justify the contravention. The proposal is considered to achieve the objectives of the development standard notwithstanding the variation and remains in the public interest.

The development is not expected to result in any significant adverse impacts on the natural or built environment, the amenity of adjoining properties, or the wider locality. Any potential impacts can be appropriately managed through the recommended conditions of consent.

Accordingly, the application is considered to represent orderly and appropriate development of the site and is recommended for approval subject to the attached conditions of consent.

1. **General comments:**
2. **The proposal satisfies 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 The proposal is not considered to have detrimental impact on the site and surrounds. (Sec 4.15 (a))**
4. **The proposal is generally consistent with the Wentworth Shire Development Control Plan (Dec 2011).**
5. **A Clause 4.6 variation (numerical) to Clause 7.6 of the Wentworth LEP has been assessed and deemed appropriate in this instance.**
6. **The proposed two-storey dwelling, Swimming pool with safety barrier and boundary fence accords with the relevant objectives and provisions of the relevant SEPPs.**
7. **There is no draft local environmental plan affecting the proposed development.**

Recommendation:

Approve the application subject to conditions

Delegate report author	Delegated approval and endorsement
Signature: 	
Rod Croft Principal Consultant – Planning Wakefield Planning on behalf of Wentworth Shire Council	
Date: 8 June 2026	

 Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	CONDITIONS OF CONSENT
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**DA2026/091 TWO-STOREY DWELLING WITH GARAGE, SWIMMING POOL WITH SAFETY BARRIER
& BOUNDARY FENCE 113 ADELAIDE STREET, GOL GOL (LOT 221 DP 43587)**

GENERAL CONDITIONS

1.	Approved Development Approval is for the development of a two-storey dwelling with garage, swimming pool with safety barrier and boundary fence at 113 Adelaide Street, Gol Gol (Lot 221 DP 43587). Condition reason: To ensure all parties are aware of the approved development.
2.	Approved Plans and Documentation The development shall be in accordance with the following plans, documentation and recommendations made there in: • Locality Plan by Intrend Design and Drafting Pty Ltd, Job No: 25-869v10, Sheet No: 2 of 7, Date: 27/3/26 • Site Plan by Intrend Design and Drafting Pty Ltd, Job No: 25-869v10, Sheet No: 3 of 7, Rev: A, Date: 02/06/26 • Site Levels by Intrend Design and Drafting Pty Ltd, Job No: 25-869v10, Sheet No: 4 of 7, Rev: A, Date: 02/06/26 • Elevation Plan (Fence) by Intrend Design and Drafting Pty Ltd, Job No: 25-869v10, Sheet No: 5 of 7, Rev: A, Date: 02/06/26 • Overlooking Plan by Intrend Design and Drafting Pty Ltd, Job No: 25-869v10, Sheet No: 6 of 7, Rev: A, Date: 02/06/26 • Elevation and Floor Plan (dwelling) by Intrend Design and Drafting Pty Ltd, Job No: 25-869v10, Sheet No: 7 of 7, Date: 27/03/26 • Pool Plans by Cookes Pools & Spas, A03, Date: 5/05/2026 • Pool fence plans by Cookes Pools & Spas, A02, Date: 13/12/2025 • BASIX Certificate; 18396475, Date: Friday 27 March 2026; Page: 1/10 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. Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
3.	Compliance with Building Code of Australia and insurance requirements under Home Building Act

	1989 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply: a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
4.	Erection of Signs 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out: a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be: a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to: a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition reason: Prescribed condition under section 70 of the Environmental Planning and

	Assessment Regulation 2021.
5.	Fulfilment of BASIX Commitments It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled. 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.
6.	Lapsing of Approval Without the further consent of the Wentworth Shire Council, in writing, this consent shall lapse and have no force or effect unless the use or development hereby permitted is physically commenced within five (5) years of the date of this development consent. Condition reason: Ensure everyone is aware of the lapsing of the approval.
7.	Notification of Home Building Act 1989 Requirements 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following: a. for work that requires a principal contractor to be appointed i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989 the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.
8.	Works Outside the Property Boundary This development consent does not authorise works outside the property boundaries on adjoining lands. Condition reason: To ensure all approved works occur within the property boundaries.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

9.	7.12 Contribution Before the issue of the relevant construction certificate, the applicant must pay a total contribution of \$18000.00 as calculated at the date of this consent to Wentworth Shire Council pursuant to the adopted Section 7.12 Development Contributions Plan. Note: The total amount payable may be adjusted at the time payment is made per clause 3.10 of the Section 7.12 Development Contributions Plan. Condition reason: To ensure the 7.12 Developer Contributions are paid.
10.	Access Point Before the issue of a Construction Certificate, the beneficiary of this consent must build a driveway crossing for the subject land (if one doesn't exist) to Council standards. Access during construction shall only be through the driveway crossing of the subject land. Condition reason: To control vehicular movement on road crossings.
11.	Building Material The proposed building/s and structure/s shall be clad in an approved non-reflective material e.g. colorbond. Condition reason: To ensure the materials of the building not impact the visual amenity of the surrounding character of the area.
12.	Construction Site Management Plan Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters: • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

	Condition reason: To ensure construction works are adequately managed to protect the surrounding amenity.				
13.	Erosion and Sediment Control Before the issue of a construction certificate, the beneficiary of this consent is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier: - the guidelines set out in the NSW Department of Housing Manual Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book), and - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry'; (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The applicant must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction. Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.				
14.	Hydrostatic Valve for Swimming Pools The pool must be provided with a hydrostatic pressure relief valve for relief of ground water table pressures. Condition reason: To ensure the pool is appropriately designed and constructed.				
15.	Long Service Levy Before the issue of a construction certificate, the beneficiary of this consent is to ensure that the person liable pays the long service levy as calculated at the operational date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. Condition reason: To ensure the long service levy is paid.				
16.	Payment of Security Deposits <i>This condition applies to all construction works \$25,001 and above.</i> Before the commencement of any works on the site or the issue of a construction certificate, the beneficiary of this consent must make all of the following payments to Council and provide written evidence of these payments to the certifier: <table border="1"> <tr> <td>Infrastructure Bond (Security Deposit):</td><td>\$3,000.00</td></tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections):</td><td>\$244.00</td></tr> </table> The payments will be used for the cost of: - making good any damage caused to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates, - completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and - any inspection carried out by Council in connection with the completion of public work or the	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections):	\$244.00
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections):	\$244.00				

	making good any damage to council property. The Infrastructure Bond will be returned on completion of the construction of the proposed development, subject to no damage being done to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates. The owner / developer is to arrange an inspection with an Officer of Wentworth Shire Council before any work commences on site. Any damage incurred to Council infrastructure will be repaired at the owners / developers expense and the balance of the Infrastructure Bond will be returned to the owner / developer on completion of the construction. Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with Council's fees and charges at the payment date. Condition reason: To ensure any damage to public infrastructure is rectified and public works can be created.
17.	Plumbing and Drainage Before issuance of the Construction Certificate, a Plumbing and Drainage Application under Section 68 of the <i>Local Government Act NSW 1993</i> is to be submitted to and approved by Council before any plumbing and drainage works (stormwater, water and sewerage). Note: All stormwater from the site is to be directed towards a legal point of discharge. All plumbing and drainage work is to be carried out by a plumber and drainer, or other authorised person, licensed with the New South Wales Department of Fair Trading. Condition reason: To ensure plumbing and drainage works are carried out appropriately.
18.	Pool – Discharge Discharge from swimming pool filters are to be to Council's requirement. Condition reason: To ensure the pool is appropriately designed and constructed.
19.	Pool – Disposal of Backwash Backwash water from the filter must be disposed of to a legal point of discharge. The backwash must not at any time be disposed of into the stormwater system. Condition reason: To ensure the pool is appropriately designed and constructed.
20.	Pool – Safety Barrier Construction The swimming pool and safety fences and gates shall be designed and installed in accordance with the Building Code of Australia, the <i>Swimming Pools Act 1992</i> and Swimming Pools Regulations 2018. Condition reason: To ensure safety barrier meets compliance standards.
21.	Road Reserve Landscaping Lawn must be used for landscaping within the road reserve. Any other form of landscaping in the road reserve must be approved by Council. Condition reason: To ensure appropriate landscaping is used in road reserve.

22.	Stormwater Management Plan Before the issue of a construction certificate the beneficiary of this consent is to design and submit to Council for approval a Stormwater Management Plan for the development. The design is to be approved by Council before any work takes place on this site. All work detailed by the approved design is to be constructed by the beneficiary of this consent under supervision of the Principal Certifying Authority. All work is to be carried out at the beneficiary of this consent's expense. The plan is to include treatment measures for the water if it is to be discharged into a waterway. Condition reason: To ensure stormwater run-off is appropriately managed.
23.	Utilities and Services – Water and Sewerage Raw water filtered water and sewerage are available and are to be connected to Council's services. Dual water supply lines are to be provided from the front boundary of the property. One line is to convey filtered water to all fittings within the building and the other line to convey unfiltered water to all fittings outside the building i.e. garden taps, etc. A separate application is to be made to Council for approval to connect to Council's water mains prior to commencing any plumbing and drainage work. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
24.	Waste Management Plan Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier: Details the following: • the contact details of the person(s) removing the waste • an estimate of the waste (type and quantity) and whether the waste is expected to be • reused, recycled or go to landfill • the address of the disposal location(s) where the waste is to be taken. The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction. Condition reason: To ensure resource recovery is promoted and local.
25.	Works in Road Reserve A Road Opening Permit is required from the Wentworth Shire Council prior to any works or excavation within the road reserve including but not limited to: water tapping, sewer, driveway crossings, tree planting or removal etc. Please contact Council's Roads & Engineering Department on Tel: (03) 5027 5027 to arrange a permit. Condition reason: To control development in the road reserve.
26.	Structure / Material Before the issuance of a Construction Certificate, the erection of a fence or placement of fill within an easement (assumed easements), the beneficiary of this approval must contact Council's Roads & Engineering Department to ensure that Council's infrastructure within the easement will not be

	impacted by the development. Any damage incurred to Council's infrastructure will be repaired at the beneficiary's expense. Any additional costs associated with access to Council's infrastructure will be at the beneficiary's expense. Any damage to the beneficiary's development by Council's reasonable access to any easement and undertaking any future maintenance will be at the beneficiary's risk. The proposed fencing must be structurally adequate and be of low reflective, factory pre-coloured materials. Note: A sewerage line runs through the property which has an assumed easement benefiting Council. Condition reason: To ensure the fence is adequately designed and built.
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BEFORE BUILDING WORK COMMENCES

27.	Construction Certificates and Appointment of Principal Certifier Prior to the commencement of any building works, the following requirements must be complied with: • A Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, • A Principal Certifier must be appointed, and Council must be notified in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and notify Council in writing of their intention to commence work (at least two [2] days' notice is required). Condition reason: To ensure building works complies with relevant legislation and other codes.
28.	Contractor Details Notification The certifying authority must advise Council, in writing of: 1. The name and contractor licence number of the licensee who has been contracted to do or intends to do the work, or 2. The name and permit of the owner-builder who intends to do the work. If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed. Condition reason: To ensure building work is carried out by licensed contractor.
29.	Dial Before you Dig Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or

	assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities. Condition reason: To ensure existing infrastructure is identified.
30.	Erosion and Sediment Controls in Place Before the commencement of any site or building work, the developer must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by Council) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site). Condition reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.
31.	Notice of Commencement of Works Subject to approval to commence works two days before any site works, building or demolition begins, the beneficiary of this consent must: 1. Forward to Council notice of commencement of work and appointment of Principal Certifying Authority. 2. Notify the adjoining owners that work will commence. Condition reason: To provide notification of works commencing.
32.	Rubbish/Waste Management Throughout the construction period, from commencement of work, a suitable rubbish containment structure is to be located on site and utilised. Condition reason: To ensure the construction site is kept clean and safe at all times.
33.	Storage of Materials Throughout the construction period, from commencement of work, the storage of materials is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site. Condition reason: To ensure the construction materials are stored on site in a tidy & safe manner.
34.	Toilet Facilities Toilet facilities are to be provided on or in the vicinity of the building site. The toilet must be connected to a public sewer, or if connection to a public sewer is not practicable, an approved chemical closet. The toilet facility must be installed on-site prior to the commencement of any other work. Condition reason: To ensure workers and contractors have access to amenities on site.
35.	Tree Protection Measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place. Condition reason: To protect and retain trees.

DURING BUILDING WORK

36.	Approved Plans A copy of the stamped approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on site for the duration of site works and be made available upon request to either the Council or other Government Agencies. Condition reason: To ensure all parties are aware of the approved works to be conducted.
37.	Construction Noise While work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out. Condition reason: To protect the amenity of the neighbourhood.
38.	Contamination Discovered During Works If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the Contaminated Land Management Act 1997: • all works must stop immediately, and • the Environment Protection Authority and the council must be notified of the contamination. • Land is found to be contaminated for the purposes of this condition if the principal certifying authority knows or reasonably suspects the land is contaminated. Note: Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue. Condition reason: To ensure contaminated land is managed appropriately.
39.	Cut and Fill (if applicable) While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: • All excavated material removed from the site must be classified in accordance with the EPAs Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. • All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removal & replacement meets requirements.
40.	Encroachment of Easements No works are to encroach over any easements. Condition reason: To ensure works are not carried out over easements.
41.	Hours of Work The developer must ensure that building work, demolition or vegetation removal is only carried out between:

	• 7:00am to 6:00pm – Monday to Friday • 8:00am to 1:00pm – Saturday The developer must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Councils approval. Condition reason: To protect the amenity of the surrounding area.
42.	Implementation of BASIX Commitments While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies. Condition reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under Section 75 EP&A Regulation 2021).
43.	Implementation of Site Management Plans While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request. Condition reason: To ensure the required site management measures are implemented during construction.
44.	Natural Drainage Any works undertaken in the subject land including building and filling shall not cause alteration to the previous drainage in the subject land or adjacent land. Any remedies required to discharge drainage water caused to be accumulated by the works associated with this permit shall be the responsibility of the beneficiary of this consent. Condition reason: To ensure natural drainage is maintained where possible.
45.	Pool – Construction The swimming pool is to be constructed strictly in accordance with the manufacturer's recommendation. Condition reason: To ensure compliance with manufacturer's requirements.
46.	Pool – Construction Works Any construction works/drainage works should be carried out in a manner that Eliminates/reduced water ponding and subsequent mosquitoes breeding i.e. all run off/stormwater should be diverted away from low lying poor surface drainage areas. Condition reason: To ensure the pool is appropriately designed and constructed.

47.	Procedure for Critical Stage Inspections While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. Condition reason: To require approval to proceed with building work following each critical stage inspection.
48.	Responsibility for Changes to Public Infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area). Condition reason: To ensure payment of approved changes to public infrastructure.
49.	Security Fencing An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project Condition reason: To ensure the site is secured during construction.
50.	Tree Protection While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: 1. The construction site management plan 2. The relevant requirements of any Australian Standard for the protection of trees on development sites This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition reason: To protect trees during site works.
51.	Uncovering Relics or Aboriginal Objects While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition: • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and a) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-

	Aboriginal extraction and includes Aboriginal remains. Condition reason: To ensure protection of objects of potential significance during works.
52.	Waste Management While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following: • The contact details of the person(s) who removed the waste • The waste carrier vehicle registration • The date and time of waste collection • A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill • The address of the disposal location(s) where the waste was taken • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council. Condition reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

53.	Completion of Landscape and Tree Works Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).
54.	Completion of Public Utility Services Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority. Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed. Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

55.	Occupation Certificate The building shall not be occupied or used until an Occupation Certificate is issued either by council or by an accredited certifier. Condition reason: To ensure development is accredited.
56.	Removal of Waste Upon Completion Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier. Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
57.	Repair of Infrastructure Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work. Condition reason: To ensure any damage to public infrastructure is rectified.

OCCUPATION AND ONGOING USE

58.	Additional Structures No additional structures are to be built or installed on the site without permission from the Wentworth Shire Council. Condition reason: To ensure only approved work is carried out
59.	Amenity of the Neighbourhood The operation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products. Condition reason: To ensure the amenity of the neighbourhood is not compromised unreasonably.
60.	Maintenance of Wastewater and Stormwater Treatment Device During occupation and ongoing use of the building, the beneficiary of this consent must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective.

	Condition reason: To protect sewerage and stormwater systems.
61.	Ongoing Use – Dwelling with Garage & Storage Shed The storage shed and garage cannot be used for habitation. The storage shed is to be used for domestic purposes only, and any other activities proposed to be undertaken inside the shed shall be subject to a further development application. Condition reason: To ensure appropriate use as per approval.
62.	Pool – Safety Barrier The swimming pool shall at all times be surrounded by a child resistant barrier that separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and that it is designed, constructed, installed and maintained in accordance with the standards prescribed by the Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2018. Condition reason: To ensure compliance with requirements.
63.	Pool – Prior to Filling Pool The swimming pool shall not be filled with water until such time as the safety fencing and gates have been completed in accordance with Building Code of Australia, the Swimming Pools Act 1992 and Swimming Pools Regulations 2018. Note: It is the responsibility of the beneficiary of this consent is to ensure that all excavations and incomplete pools have appropriate safety fencing or are otherwise protected. Condition reason: To ensure compliance with requirements.
64.	Pool – Noise Control Measures The pool pumps, motor, filter and equipment must be housed and operated in accordance with the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2017. Condition reason: To ensure compliance with requirements.
65.	Pool – Water Testing The occupier is to maintain on the premises, a full set of testing apparatus for checking the effectiveness of the chemical treatment of the pool water. Condition reason: To ensure compliance with requirements.
66.	Pool – Required Signage The occupier of any premises in or on which a swimming pool is situated must ensure that there is at all times a warning sign prominently displayed and permanently fixed in the vicinity of the swimming pool, together with details of resuscitation techniques, in accordance with the provisions of section 17 of the Swimming Pools Act 1992. Condition reason: To ensure compliance with requirements.
67.	Pool – Swimming Pool Registration The beneficiary of this consent shall have the swimming pool registered on the NSW Swimming Pool

	Register. Condition reason: To ensure owner compliance with pool registration in the Swimming Pools Act 1992 is met.
68.	Release of Securities / Bonds When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Councils requirements. Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

9.15 DEVELOPMENT APPLICATION DETERMINATION REPORT - MAY 2026

File Number: RPT/26/265

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Chloe Stephenson - Coordinator Health & Planning

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

Strategy: 4.2 We value our civic leadership whose stewardship and decision making benefits present and future generations

Summary

For the month of May 2026, a total of 25 Development Applications and five (5) Modification Applications were determined.

The estimated value of the determined developments was \$9,910,892.88. This brings the financial year to date total to 186 Development Applications with an estimated development value of \$73,304,140.35 and 26 Modification Applications.

Recommendation

That Council receives and notes the report for the Determined Development Applications for the month of May 2026.

Detailed Report

Purpose

The purpose of this report is to provide Council with a list of Development Applications as tabled in the attachment, determined in the month of May 2026.

Conclusion

The total value of determinations was \$9,910,892.88 for the month of May 2026. The average determination time for Development Applications was 49 days, and 18 days for Modification Applications.

Attachments

1. Delegated Authority Report May 2026 [1](#)

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF MAY 2026

FILE NUMBER	APPLICANT	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	COMMUNITY VIEWS	ACTIVE DAYS
DA2024/120 PAN 446634	MH2 Engineering & Architectural Services	1 Modica Crescent Lot 1 DP 1110199 & 3 Modica Crescent Lot 14 DP 1118464 Buronga	Transport Depot with Drainage Works	\$164,695.00	13 May 2026	No submissions were received	210
DA2025/028 PAN 503856	MH2 Engineering & Architectural Services	120-122 Adams Street Lot 1 DP 790165 Wentworth	Extensions to Existing Motel	\$731,500.00	21 May 2026	2 submissions were received and assessed	147
DA2025/174 PAN 574802	Pinion Advisory	6325 Sturt Highway Lot 3 DP 756936 Trentham Cliffs	Two (2) Lot Subdivision	\$0.00	26 May 2026	No submissions were received	129
DA2026/036 PAN 608247	G2 Netting Group Pty Ltd	117C Paringi Road Lot 34 DP 756971 Paringi	Hail Proof Netting	\$1,293,754.00	4 May 2026	No submissions were received	41
DA2026/040 PAN 609077	Cadell Consulting Services	22 Belar Street Lot 4 Section 14 DP 758338 Dareton	Dwelling with Garage & Storage Shed	\$754,600.00	11 May 2026	No submissions were received	67
DA2026/050 PAN 623325	Jackson Planning	Bonnie Doon Road Lot 1 DP 1247262 Monak	Storage Shed with Wet Area	\$93,500.00	4 May 2026	No submissions were received	39
DA2026/051 PAN 625059	Jackson Planning	42 Midway Drive Lot 3 DP 1288183 Buronga	Dual Occupancy with Garages & Fencing	\$462,000.00	5 May 2026	2 submissions were received and assessed	35
DA2026/052 PAN 621850	Jackson Planning	12 Kingfisher Road Lot 1 DP 1300407 Gol Gol	Swimming Pool with Safety Barrier	\$68,200.00	25 May 2026	No submissions were received	51

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF MAY 2026

DA2026/053 PAN 625482	Jackson Planning	40 Midway Drive Lot 4 DP 1288183 Buronga	Dual Occupancy (Attached) with Garage & Fencing	\$462,000.00	6 May 2026	1 submission was received and assessed	32
DA2026/055 PAN 625064	Jackson Planning	10 Wurlong Drive Lot 1 DP 1294020 Gol Gol	Dwelling with Garage & Storage Shed with Wet Area	\$1,017,300.00	20 May 2026	No submissions were received	50
DA2026/056 PAN 611745	Decentralised Demountables Pty Ltd	8 Broadstock Lot 5 DP 1302556 Buronga	Moveable Dwelling	\$329,768.00	7 May 2026	No submissions were received	33
DA2026/057 PAN 623141	Mallee Sheds Mildura	26 Grandview Drive Lot 31 DP 1300121 Buronga	Storage Shed	\$35,248.02	18 May 2026	No submissions were received	46
DA2026/058 PAN 625484	Jackson Planning	56 Macquarie Road Lot 7 DP 23387 Pomona	Replacement Farm shed	\$44,000.00	7 May 2026	No submissions were received	29
DA2026/060 PAN 622375	Malcolm Walshe	206B Renmark Road Lot 7 DP 1302054 Wentworth	Aircraft Hangar/Storage Shed	\$85,000.00	14 May 2026	No submissions were received	35
DA2026/061 PAN 625068	Jackson Planning	22 Grandview Drive Lot 29 DP 1300121 Buronga	Dwelling with Garage	\$605,000.00	19 May 2026	No submissions were received	36
DA2026/062 PAN 601321	Decentralised Demountables Pty Ltd	2335 Pooncarie Road Lot 2 DP 1181118 Wentworth	Two (2) Lot Subdivision	\$0.00	13 May 2026	No submissions were received	29
DA2026/064 PAN 630019	Jackson Planning	6 Grandview Drive Lot 21 DP 1300121 Buronga	Dwelling with Garage	\$634,990.39	8 May 2026	No submissions were received	23
DA2026/065 PAN 622938	The Shed Company Mildura	2 Chapman Street Lot 734 DP 756961 Buronga	Carpport	\$24,520.00	22 May 2026	1 submission was received and assessed	26

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DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF MAY 2026

DA2026/066 PAN 630771	Jackson Planning	30 Grandview Drive Lot 33 DP 1300121 Buronga	Dwelling with Garage	\$803,000.00	12 May 2026	No submissions were received	19
DA2026/067 PAN 632453	Jackson Planning	40 Dawn Avenue Lot 9 DP 1259103 Gol Gol	Two (2) Shade Sails Attached to Existing Dwelling	\$13,941.40	21 May 2026	1 submission was received and assessed	22
DA2026/068 PAN 630443	James Harwood Homes	8 Phoenix Court Lot 23 DP 1298329 Gol Gol	Dwelling with Garage & Storage Shed	\$400,000.00	25 May 2026	No submissions were received	26
DA2026/069 PAN 632805	Mallee Sheds Mildura	2350B Silver City Highway Lot 29 DP 729494 Curlwaa	Storage Shed	\$73,009.37	27 May 2026	2 submissions were received and assessed	27
DA2026/073 PAN 633631	James Harwood Homes	8 Amanda Court Lot 60 DP 1306718 Gol Gol	Dwelling with Garage & Storage Shed	\$425,000.00	28 May 2026	No submissions were received	22
DA2026/075 PAN 634767	Jackson Planning	7 Cielo Court Lot 6 DP 1300407 Gol Gol	Dwelling with Garage	\$801,700.70	28 May 2026	No submissions were received	23
DA2026/076 PAN 627383	BW&A National Building Consultants	9 Woolshed Drive Lot 11 DP 1297691 Wentworth	Dwelling with Garage	\$588,166.00	25 May 2026	No submissions were received	19
S4-55/2026/009 (1A) PAN 623549	Cadell Consulting Services	61 Pitman Avenue Lot 3 DP 878007 Buronga	Modify DA2023/140 (Deferred Commencement) Centre- Based Childcare Facility - Remove Deferred Commencement	\$0.00	7 May 2026	No submissions were received	22
S4-55/2026/010 (1A) PAN 631745	MH2 Engineering & Architectural Services	1 Manly Road Lot 2 DP 1117300 Curlwaa	Modify DA2024/033 Six (6) Lot Subdivision - Amend Reduce Lot 1 from 1.957ha to 1.706ha	\$0.00	20 May 2026	1 submission was received and assessed	27

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF MAY 2026

S4-55/2026/011 (2) PAN 634231	MH2 Engineering & Architectural Services	3 Joel Court Lot 24 DP 1293754 Gol Gol	Modify DA2026/035 Dwelling with Garage, Storage Shed & Colorbond Fencing - Amend Dwelling Design and Setbacks	\$0.00	28 May 2026	No submissions were received	28
S4-55/2026/012 (1) PAN 635392	Mallee Sheds Mildura	45 Yankabilly Road Lot 1 DP 437995 Pomona	Modify DA2026/054 Storage Shed - Amend Approved Conditions Condition #9	\$0.00	12 May 2026	No submissions were received	7
S4-55/2026/015 (1) PAN 636384	Cadell Consulting Services	75 Melaleuca Street Lot 2 DP 1002306 Buronga	Modify DA2025/145 Commercial Five (5) Lot Strata Title Subdivision - Amend Approved Conditions #50 #51 & #52	\$0.00	25 May 2026	No submissions were received	6

9.16 ROAD SAFETY QUARTERLY REPORT APRIL 2026 - JUNE 2026

File Number: RPT/26/274

Responsible Officer: Geoff Gunn - Director of Roads & Engineering
 Responsible Division: Roads and Engineering
 Reporting Officer: Barnaby Bates - Council Community Officer Road Safety

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving region
 Strategy: 1.3 High quality connectivity across the region

Summary

This report is to provide Council with an update of the Road Safety Officer's activities from April 2026 to June 2026.

Recommendation

That Council receives and notes the Road Safety Quarterly Report for April 2026 to June 2026.

Detailed Report

Purpose

The purpose of this report is to provide Council with an update of the Road Safety Officer's activities from April 2026 to June 2026.

Report Detail

- The Road Safety Officer (RSO) attended the regular Local Transport Forum (LTF) meeting, the Darling Murray Murrumbidgee Rural Services Network and Community RoadSafe Mildura meetings.
- On-going processing and actions related to community member complaints and requests, including guidance and assistance for community events.
- Regular meetings with TfNSW via Teams, providing monthly reports, project discussions and on-going planning and revisions of approved projects.
- On-going support and promotion of TfNSW's road safety campaigns via Council's website and community Facebook pages.
- Virtual attendance at the Broken Hill Road Safety Action Plan 2026-31 – Regional Community forum, hosted by TfNSW.
- Buronga Public School bus stop upgrade – works scheduled for mid-June, completion 13th June.
- Completed audit on 'Look Before You Cross' decal installation at key intersections in Wentworth, Dareton, Buronga and Gol Gol. 40 locations.
- Hosted a successful Safe Towing workshop at Wentworth Showgrounds, followed by two fully booked, weighing days at Wentworth and Midway for residents to assess their caravan, boat or trailer's compliance. Educational resources and advice provided. This program will receive increased funding for FY 2026-27, due to demand.
- Completed traffic guidance plans and other road safety considerations in support of the 70 Years On, Wentworth Flood Rally, June 2026.

- Attendance at the Emergency Services Expo, held at Nowingi Place, Mildura and attended by schools from the Mildura and Wentworth LGA. Event co-hosted with Community RoadSafe Mildura. Over seven hundred pupils attended.
- Completed 'Safety Around Schools' observations throughout the LGA to identify any road safety issues. Supporting infrastructure and monitoring student and parent behaviours. Reports sent to school principals.
- The Active Routes to School program with Gol Gol Public School commenced, whilst Dareton school withdrew their participation. Maps were supplied with attendance in classes in support of the teachers delivering the program. Four routes will be identified and assessed for safety and infrastructure requirements. Data will be shared with Council's assets team in support of the Pedestrian Access and Mobility Plan (PAMP) grant applications, to strategically improve the pedestrian network within Gol Gol. It is hoped that Buronga Public School will want to participate in the future.
- Received confirmation of successful project bids from TfNSW for 2026-27. The projects submitted were: Plan B to address drink / drug driving and targeted for delivery during December 2026 and January 2027, Heavy Vehicles – Freight and Agriculture, Light Vehicles and Safe Towing and Ad Hoc Community projects, including all relevant local road safety issues – fatigue, restraints, speeding, driving to conditions, country roads, pedestrian safety, older drivers, distractions, learner drivers, road safety in the workplace, immigrant and overseas drivers and motorcycles.

Conclusion

The Road Safety program continues to provide community support, education, assistance and advice.

Attachments

Nil

9.17 PROJECT & WORKS REPORT JUNE 2026

File Number: RPT/26/272

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Megan Jackson - Roads & Engineering Administration Officer

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

Strategy: 3.5 Infrastructure meets the needs of our growing Shire

Summary

This report provides a summary of the projects and major works undertaken by the Roads and Engineering Department which have been completed during the months of May 2026, and the planned activities for June 2026.

Recommendation

That Council receives and notes the major works undertaken in May 2026 and the scheduled works for June 2026.

Detailed Report

Refer below for updates of the works completed in May 2026, and the planned activities for June 2026.

Projects and Works Completed in May 2026 and Scheduled for June 2026.

Roads	<u>Maintenance Grading</u> • Works have been completed on the High Darling Road. • Works are scheduled to be completed on the Milkengay and Tooperoopna Roads in June. <u>Ivanhoe Road Resheeting Works</u> • Funded by the Regional Emergency Road Repair Fund, a 6km section west of the Wilkurra Road intersection will receive a 100mm top up of locally sourced gravel. • A contractor has been engaged to install the bore infrastructure, which will be completed by the end of June <u>TfNSW Maintenance</u> • General maintenance such as guide posts, pothole repairs and crack sealing has been completed. <u>Polia Road Formation/Drainage Works</u> • Works have been completed over a total distance of 17.7 km across three sections, significantly improving safety for road users. The project involved reinstating the road formation and raising low-lying areas to address water ponding issues, which have historically resulted in prolonged road closures following heavy rainfall events <u>Polia Road Upgrade to Gravel</u> • Council have been advised the application for a new gravel pit license on the Polia Road has been approved and awaiting confirmation. Once the material has been pushed up by contractors, works will
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Roads

(continued)

commence on a total of approximately 6km in various identified sections. These works are scheduled to commence in July.

New Gravel Pits

- Our consultant has advised the application for new pits on the Arumpo and Polia Roads have been approved, and they are just waiting for the new registrations to be added to our Head license.
- The gravel pits will supply material for significant road surface upgrades forecasted in the area.

Arumpo Mungo Formation and Drainage Works

- Final approval/consultation has been received by the relevant authorities.
- Prior to the commencement of works, all employees, contractors and subcontractors will undertaking a cultural heritage induction for the project.
- Works consist of major earthworks over a 10km section which falls within the World Heritage Area, the proposed work has required significant environmental approvals before commencement.

Alcheringa Drive – Stage 2

- Works have commenced on the proposed road widening area
- A total of 1930m by 1.6m wide on both edges (inc. overlap), totalling 6,176m²
- The selected method is Minimix Microasphalt surfacing also used previously on the Arumpo Road
- The contractor currently has issues with the bitumen binder and could not complete the required scope during May. It is expected that they will be back by the end of June to complete the project.

Old Wentworth Road, Fletchers Lake Road and Memorial Road Rehabilitation

- All roads have had new material added , stabilised with slag lime and graded to the new design.
- A new culvert has been installed on Memorial Road to assist with drainage in a low lying area.
- Primal Surfacing will be commencing the bitumen surfacing Tuesday 16th of June
- Linemarking to be completed by the end of June.

River Road and Arumpo Road Rehabilitation

- River Road works commence at the intersection of the Silver City Highway and continues towards Dareton, finishing at the entrance to the Botanic Gardens.
- Stabilising contractor is commencing onsite Monday 15th of June.
- The Arumpo Road project commences at the intersection of the Silver City Highway and finishes at the entrance to the Buronga Landfill.
- The Arumpo Road project requires the installation of 4 new culverts, upgrade of the Mourquong Road intersection, new imported material and 7.4 wide bitumen seal and Linemarking. Due to the high volume of traffic that enters the Buronga Landfill daily, this project will be constructed at night commencing Monday 15th of June

Minda Road Resheeting

- The proposed upgrade includes importing 100mm thick locally sourced gravel material over a total distance of 2.86km which will

Roads <i>(continued)</i>	allow all weather access to local residents in the area. - The project is expected to be completed by the middle of July. <u>Natural Disaster Funding</u> - Following the recent heavy rain event and flooding, several sealed and unsealed roads were left with damage. Council has since completed an assessment of these areas and submitted estimates with an application for natural disaster funding. - Emergency repair work has been completed on a number of roads to reinstate access to the vehicle users. Further works will be completed once funding has been approved and allocated. <u>Milpara Road / Tara Downs culvert and road improvement works</u> - Design consultant engaged to assist in finalising the design and tender documents for the main Milpara road works. - WSC engineering staff to complete the designs at Silver City Highway and Anabranh Mail Road intersections. - Looking at documenting the whole scope together into one contract.
Water and Sewer	<u>Safe and Secure Water Program (4 activities) – Development</u> <u>Wentworth Water Treatment Plant</u> <u>Gol Gol Water Treatment Plant</u> <u>Wentworth Raw Water Pump Station</u> <u>Dareton Raw Water Pump Station</u> - Development activities for Wentworth and Dareton Raw Water Pump Stations complete. - NSW Government still to complete the review of the two water treatment plant activities. - Interim upgrade of the Gol Gol Water Treatment Plant completed <u>Wastewater Lagoon Vegetation Removal</u> - Vegetation mulching and spraying at Buronga, Namatjira and Wentworth Wastewater Treatment Plants. - Works complete and propose to undertake as regular maintenance into the future. <u>Wentworth Caravan Park – Pressure issues</u> - Contractor completed the upgrade of water services to various caravan outlets. - Investigations still underway into booster pump options. <u>Wentworth Water Treatment Plant SCADA</u> - Workshop held with SCADA Contractor and design works recommenced. - Early long lead items being procured. - Focus on having the updated operation and monitoring system implemented before higher summer demands. <u>Dareton House Boat Effluent Disposal Station</u> - Survey plans prepared - Review of Environment Factors has been finalised. - Decommissioning of old wet well underway - Quotes received for pumps - Based on knowledge gained from Wentworth EDS, going to public tender as a Design and Construct contract. Construction contractor

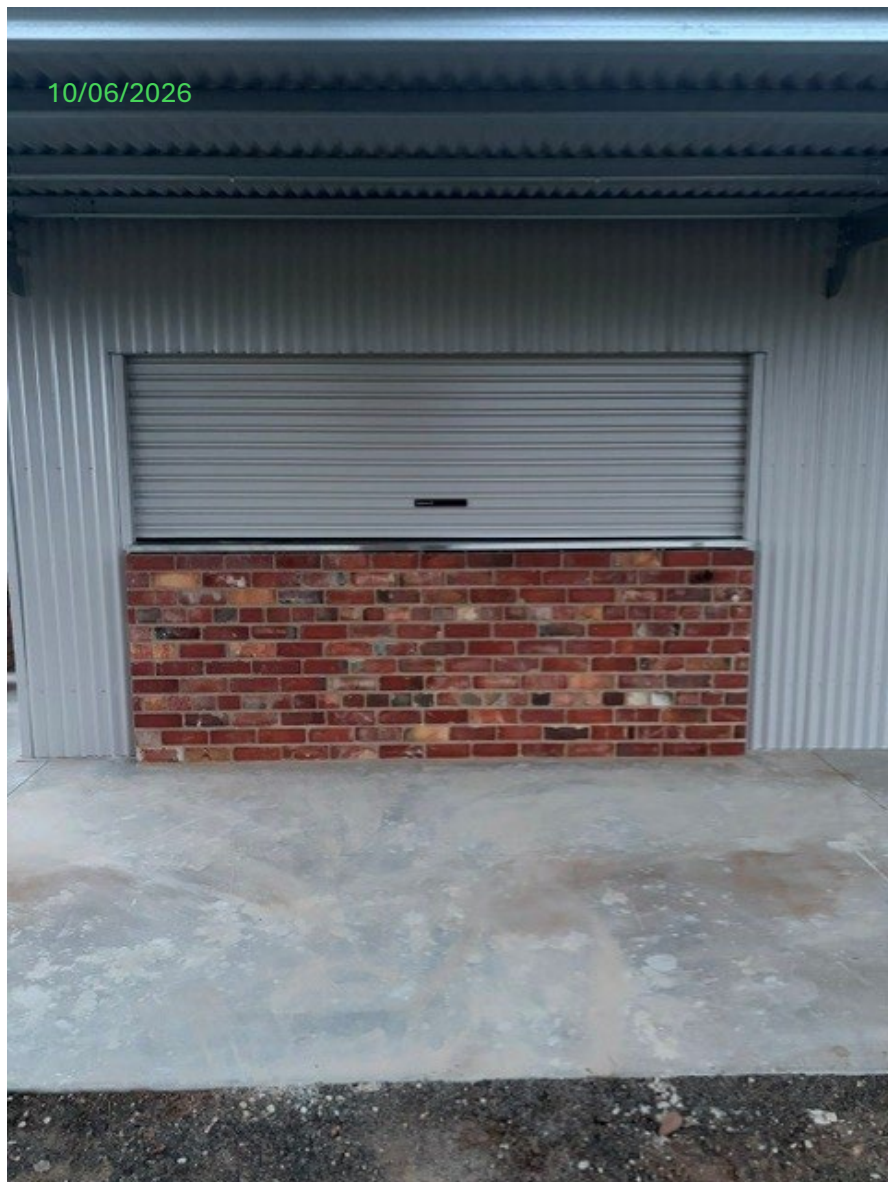
Water and Sewer (continued)	has the expertise in designing a suitable pontoon. <u>Wentworth Water Treatment Plant Office and Laboratory Relocation</u> • Old Archive Transportable from previous Council Offices relocated near the Wentworth Water Treatment Plant. • Currently have “office / lunch room / laboratory” in the “switchboard room” which is not preferred on safety and space reasons. • Concept design to be finalised and quote sought for fit-out.
Projects	<u>Punt Road Stormwater Upgrade</u> • Works include the installation of a new penstock gate at the outlet on the river together with new stormwater pit and kerb & channel to replace damaged sections caused by the 2022 floods. • Works expected to be completed by the end of June. <u>Pooncarie and Wentworth Camp Kitchens</u> • Red brick feature under one server window constructed at the Wentworth Camp Kitchen. • Wentworth Racecourse / Showground Users Group Committee requested to provide feedback. Feedback confirmed support for the feature to be added under all other server windows. • Bricklayers to complete the brick work over the next month. <u>Wentworth Rowing Club Upgrade Renovations Works</u> • Renovation works have an expected completion by mid June. <u>Extension Works</u> • Structural steelwork has been delivered to site and construction of the extension frame is complete. • Brickwork commenced onsite. <u>Civic Centre Carpool Compound</u> • In the process of obtaining quotations from trades i.e. roof structure and fence enclosure. • Works scheduled to commence next financial year. <u>Three Sisters Stormwater Drainage</u> • Irrigation pipework completed at the Gol Gol Water Treatment Plant. • Environmental consultants are engaged to prepare a Review of Environmental Factors for the Murray River discharge structure. <u>Murray Street Kerbing Wentworth</u> • Quotes for the kerbing received and currently being reviewed. Likely that scope may need to be reviewed based on works being well above estimate. • Works to commence on-site in July. <u>Avoca Street Footpath Dareton</u> • Concept Design prepared. • Documentation prepared. • Consideration of awaiting the submission of tenders for Cadell Steet before going to tender. <u>Cadell Street Footpath Wentworth</u> • Concept Design complete

Projects <i>(continued)</i>	• Documentation complete • Currently out for public tender, with closing date in late June. • Hopefully construction underway from late July. <u>Perry / Adams Street Kerbing Wentworth</u> • Concept Design and documentation prepared. • Scope may need to be reviewed post the quotation review for Murray Street • Request for quotation to be sent out in late June. <u>Darling Street Kerbing Wentworth</u> • Concept Design and documentation prepared. • Arborist engaged to provide a report on the impact of the kerbing scope on the existing 12 pine trees.
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Attachments

1. Wentworth Rowing Club Extension [↓](#)
2. Wentworth Camp Kitchen - Brickwork [↓](#)
3. Decommision & site prep of Dareton EDS wet well [↓](#)
4. Alcheringa Drive [↓](#)
5. Fletchers Lake Road [↓](#)
6. Old Wentworth Road Rehab [↓](#)
7. River Road Rehab [↓](#)
8. Three Sisters Discharge Pump Shed [↓](#)

















10 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

11 CONCLUSION OF THE MEETING

NEXT MEETING

15 July 2026