



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

19 AUGUST 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 15 July 2026 be confirmed as circulated.



ORDINARY MEETING MINUTES

15 JULY 2026

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1 OPENING OF MEETING

The Mayor opened the meeting with a prayer at 4:02pm

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
Councillor Michael Weeding

STAFF: Geoff Gunn (Acting General Manager)
Scott Barnes (Acting 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

Nil

4 DISCLOSURES OF INTERESTS

Councillor Armstrong advised he had a non-pecuniary and less than significant interest in item 9.8 as one of the directors of the applicant is a client in his normal line of work.

5 CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the Ordinary Meeting held 24 June 2026 be confirmed as circulated.

Council Resolution

That the Minutes of the Ordinary Meeting held 24 June 2026 be confirmed as circulated.

Moved Cr. Rodda, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

Council Resolution

That the Ordinary Council meeting be adjourned for the purpose of conducting a Public Forum.

The meeting was adjourned at 4:07pm

Moved Cr. Crisp, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

Public Forum

Roy Costa spoke against Council consideration of the Development Application item 9.8

Michele Bos spoke in favour of Council approving the Development Application for consideration of item 9.9

Council Resolution

That Council reconvenes into open session. The meeting was reconvened at 4:26pm

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 STATUS REPORT ON PREVIOUS COUNCIL RESOLUTIONS AS 15 JULY 2026

File Number: RPT/26/318

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 15 July 2026.

Council Resolution

That Council notes the list of outstanding action items for Council Resolutions as at 15 July 2026.

Moved Cr. Rodda, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT JULY 2026

File Number: RPT/26/319

Recommendation

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

Council Resolution

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

Moved Cr. Linklater, Seconded Cr. Armstrong

CARRIED UNANIMOUSLY

Mayor Linklater advised the chamber that he spoke to Councillor Graeme Milne, Mayor of Buloke Shire Council to express our Council and communities condolences to his community following the tragic passing of young Layla Jeffery earlier this month. Taking note that the chamber is wearing a splash of pink to acknowledge what is a dreadful situation. The Mayor extended his thoughts to the family, Laylas classmates, teachers and the whole community as these sort of tragic events create an enormous ripple effect.

7.2 WENTWORTH ROTARY CHANGEOVER DINNER & MEETING WITH SHADOW MINISTER FOR WATER THE HON. MICHAEL MCCORMACK MP

File Number: RPT/26/351

Summary

Councillor Crisp attended the Wentworth Rotary Club Change Over Dinner on Tuesday 30 June 2026 and a meeting with the Shadow Minister for Water the Hon. Michael McCormack MP on the 06 July 2026

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

Wentworth Rotary Club Changeover Dinner

On Tuesday June 30 I attended the Wentworth Rotary Change over dinner and funding distribution to local organisations

Twenty-two organisations benefited from the OP Shop totaling \$44,325

Other Rotary operations distributed \$48,394. The largest investment was to works at the Wentworth Goal totaling \$24,681.

A fantastic effort from a local organisation

Meeting with Shadow Minister for Water the Hon. Michael McCormack MP

I attended a meeting with the Shadow Minister for Water the Hon. Michael McCormack MP, Dr Anne Webster and Mildura Rural City Council CEO

I presented the RAMJO submission to the Basin plan review and briefly discussed the recommendations and highlighted pages 29 SDLAM accounting

Mildura did likewise from the Murray Group of councils

The Lower Darling was discussed

The Coalition policy to trade surplus Enviro water was discussed as part of a discussion on Works & Measures

Accounting/converting non water measures that improve the flood plain health such as removing noxious weeds, feral animals (pigs) and carp from the river could be used as enviro water offsets in covert these measures to mgl.

There was a joint discussion (Mildura Council led) on funding pathways and the lack of in recent years

Recommendation

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

Council Resolution

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

Moved Cr. Crisp, Seconded Cr. Evans

CARRIED UNANIMOUSLY

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT JULY 2026

File Number: RPT/26/320

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

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

Summary

The Acting 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 - GC-155 – 2026/27 Financial Assistance Grants (FA Grants) – Advance Payment

Council Circular - 26-09 - The Local Government (General) Amendment (Meetings) Regulation 2026

2. **Meetings**

As listed.

3. **Upcoming meetings or events**

As listed.

4. **Other items of note**

Recommendation

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

Council Resolution

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

Moved Cr. Rodda, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

9.2 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2026

File Number: RPT/26/310

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

Summary

The Local Government New South Wales 2026 Annual Conference is being held from Sunday 22 November to Tuesday 24 November at WIN Sports & Entertainment Centres, in Wollongong. This forum is the main Local Government policy making forum for Local Government New South Wales. In previous years Council has been represented by the Mayor and the General Manager at the conference. Councillors should also consider any motions to be put forward at the Conference, which will be considered by Council at the Ordinary Meeting in August.

Recommendation

That Council nominate the Mayor and General Manager to attend the Local Government New South Wales 2026 Annual Conference from Sunday 22 November to Tuesday 24 November and that the Mayor be Councils voting delegate.

Council Resolution

That Council nominate the Mayor and General Manager to attend the Local Government New South Wales 2026 Annual Conference from Sunday 22 November to Tuesday 24 November and that the Mayor be Councils voting delegate.

Moved Cr. Rodda, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

9.3 MONTHLY FINANCE REPORT - JUNE 2026

File Number: RPT/26/328

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 June 2026 were \$709,078.91. After allowing for pensioner subsidies, the total levies collected are now 92.46%. For comparison purposes 94.12% of the levy had been collected at the end of June 2025. Council currently has \$37,942,957.94 in cash and investments.

Recommendation

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

Council Resolution

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

Moved Cr. Starick, Seconded Cr. Beaumont

CARRIED UNANIMOUSLY

9.4 MONTHLY INVESTMENT REPORT - JUNE 2026

File Number: RPT/26/311

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 June 2026, Council had \$33 million invested in term deposits and fixed bonds with \$4,942,957.94 in other cash investments. Council received \$95,719.92 from its investments for the month of June 2026.

In June 2026 Council investments averaged a rate of return of 4.14% and it currently has \$4,456,679.35 of internal restrictions and \$27,413,166.49 of external restrictions.

Recommendation

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

Council Resolution

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

Moved Cr. Nichols, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.5 USE OF PLANNING CONSULTANTS

File Number: RPT/26/325

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)*.

Council has now successfully recruited a Planning Manager, who is scheduled to commence on 1 September 2026. While this appointment represents a significant milestone in restoring the Department's capacity, it is anticipated that consultant support will continue to be required during the transition period while the new Manager assumes responsibility and reviews workloads.

Current expenditure is approaching \$700,000 and this report seeks Council approval to authorise the General Manager to expend a further \$400,000 (GST Exc) to ensure continuity of planning services to 31 December 2026, by which time it is anticipated that reliance on external consultants will have reduced substantially and may no longer be required.

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 \$400,000 (GST Exc) for the engagement of planning consultants to support the Planning Department until 31 December 2026.

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 \$400,000 (GST Exc) for the engagement of planning consultants to support the Planning Department until 31

December 2026.

Moved Cr. Armstrong, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.6 REQUEST FOR EVENT FUNDING, 2026 SPIRIT OF CRICKET

File Number: RPT/26/337

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Aaron Hawkins - Manager Corporate Services

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council has received a request from Mr Anthony Telfer seeking funding support for the Spirit of Cricket Festival in 2026. The event organiser is seeking \$20,000 in cash sponsorship under the Event Funding Program to support a well-established major event operating across both the Wentworth Shire and Mildura Rural City Council. The event is projected to attract 200-300 visitors from outside the Wentworth region, each staying over 16 days.

Assessment against the program criteria indicates that the event delivers significant economic value, with modelling indicating the event is likely to inject approximately \$250,000 within the local economy.

Recommendation

That Council based on the information provided in the report approves option a.

Motion

That Council provide a partial contribution of \$8,250.00.

Moved Cr. Beaumont, Seconded Cr. Nichols

Amendment

That Council provide a partial contribution of \$8,250 cash contribution plus in kind venue hire.

Moved Cr. Rodda, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

Council Resolution

That Council provide a partial contribution of \$8,250 cash contribution plus in kind venue hire.

Moved Cr. Rodda, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.7 REQUEST FOR EVENT FUNDING - SUNRAYSIA SAFARI RALLY 2026

File Number: RPT/26/340

Responsible Officer: Simon Rule - Director Corporate Services
Responsible Division: Corporate Services
Reporting Officer: Aaron Hawkins - Manager Corporate Services

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council has received a request from Mr Troy Bennett seeking funding support for the delivery of the Sunraysia Safari Rally in 2026. The event organiser is seeking \$20,000 in cash sponsorship and additional in kind support under the Event Funding Program to support a well-established major event operating in the Wentworth Shire since 2017.

In kind value including venue hire, camping, cleaning, rubbish and power would equate to approximately \$20,000.

The event is projected to attract up to 480 visitors from outside the Wentworth region, each staying a minimum of seven nights generating substantial tourism activity and economic benefit for the local economy.

The event demonstrates strong alignment with the objectives of the Event Funding Program and delivers measurable economic benefits. The estimated direct expenditure of approximately \$698,000 and total economic impact exceeding \$1 million, provides a solid return on investment for the region.

Recommendation

That Council consider the contents of the report and choose one of the suggested options.

Council Resolution

That Council provide a partial contribution of \$25,000 being made up of cash and in kind support.

Moved Cr. Rodda, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

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

File Number: RPT/26/291

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 Council lay item 9.8 on the table

Moved Cr. Nichols, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

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

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

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

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 application was presented to Council at the 13 May 2026 ordinary Council meeting with a recommendation for refusal. A decision was made by Council to lay the matter on the table (defer determination).

To date, 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)

**9.9 DA2025/193 DWELLING (CONCEPT APPLICATION) 205 DELTA ROAD
CURLWAA LOT 60 DP 1320296**

File Number: RPT/26/339

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 (DA2025/193) was received by Council on 14 November 2025 for a dwelling concept application at 205 Delta Road Lot 60 DP 1320296 Curlwaa.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed concept development (dwelling house) is permitted with consent if the requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

Clause 4.2B of the WLEP 2011 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:

- 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) shown above as follows:

- a) The lot is below the Minimum Lot Size (MLS) for the zone at 4.397 ha where the MLS is 10000ha.
- b) Allotment was approved and created after the commencement of this plan.

The proposed development is on land with an area of 4.397 ha, below the MLS of 10000ha 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 DA2025/193 for a dwelling (concept application) at 205 Delta Road Lot 60 DP 1320296 Curlwaa from the two nominated options within the report.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Council Resolution

That Council:

1. Approve DA2025/193 for a concept development for a dwelling at 205 Delta Road Lot 60 DP 1320296 Curlwaa subject to draft conditions of consent excluding condition 4.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW).

Moved Cr. Crisp, Seconded Cr. Nichols

CARRIED UNANIMOUSLY

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, Nichols, Rodda, Starick and Weeding.***

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

Council Resolution

That Council take a brief adjournment.

Moved Cr. Rodda, Seconded Cr. Weeding

CARRIED UNANIMOUSLY

9.10 RECLASSIFICATION OF LAND TO OPERATIONAL

File Number: RPT/26/288

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Hilary Dye - Property and Land Tenure Officer

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

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

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

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

Recommendation

That Council:

Classifies part Lot 1 Deposited Plan 13232396, the Wentworth Aerodrome runway extension as Operational Land in accordance with section 31(2) of the *Local Government Act 1993*.

Council Resolution

That Council:

Classifies part Lot 1 Deposited Plan 13232396, the Wentworth Aerodrome runway extension as Operational Land in accordance with section 31(2) of the *Local Government Act 1993*.

Moved Cr. Armstrong, Seconded Cr. Crisp

CARRIED UNANIMOUSLY

9.11 LIFTING OF ALCOHOL-FREE ZONE – WENTWORTH ROWING CLUB LAWNS AREA

File Number: RPT/26/346

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

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council has received a request from the Wentworth District Rowing Club Inc to lift the alcohol-free zone for the Wentworth District Rowing Club Lawns area for one (1) event in Wentworth. The Wentworth District Rowing Club has sought approval for the suspension of the alcohol-free zone in past years for community events in the same area. There have been no incidents or problems in past events that would warrant Council refusing the temporary lifting of the alcohol-free zone as requested.

Recommendation

That Council:

- a) In accordance with Section 645 of the *Local Government Act 1993*, suspends the operation of the alcohol-free zone in the area of the Wentworth District Rowing Club Lawns area as shown on the map attached to this report, on Saturday 31 October 2026 and Sunday 1 November 2026 from 12:00 noon to 10:00 pm
- b) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper and, Councils website and other social media
- c) Advise the NSW Police of the details of the suspensions of the alcohol-free zone

Council Resolution

That Council:

- a) In accordance with Section 645 of the *Local Government Act 1993*, suspends the operation of the alcohol-free zone in the area of the Wentworth District Rowing Club Lawns area as shown on the map attached to this report, on Saturday 31 October 2026 and Sunday 1 November 2026 from 12:00 noon to 10:00 pm
- b) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper and, Councils website and other social media
- c) Advise the NSW Police of the details of the suspensions of the alcohol-free zone

Moved Cr. Nichols, Seconded Cr. Evans

CARRIED UNANIMOUSLY

9.12 DEVELOPMENT APPLICATION DETERMINATION REPORT - JUNE 2026

File Number: RPT/26/344

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 June 2026, a total of 30 Development Applications and seven (7) Modification Applications were determined.

The estimated value of the determined developments was \$17,506,164.20. This brings the financial year to date total to 216 Development Applications with an estimated development value of \$90,810,304.55 and 33 Modification Applications.

Recommendation

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

Council Resolution

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

Moved Cr. Starick, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

9.13 PROJECT & WORKS REPORT JULY 2026

File Number: RPT/26/256

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 June 2026, and the planned activities for July 2026.

Recommendation

That Council receives and notes the major works undertaken in June 2026 and the scheduled works for July 2026.

Council Resolution

That Council receives and notes the major works undertaken in June 2026 and the scheduled works for July 2026.

Moved Cr. Armstrong, Seconded Cr. Rodda

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 Cadell Street Shared Path - PT2526/07-2. (RPT/26/327)

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.

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 Cadell Street Shared Path - PT2526/07-2. (RPT/26/327)

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.

Moved Cr. Crisp, Seconded Cr. Rodda

CARRIED UNANIMOUSLY

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 CADELL STREET SHARED PATH - PT2526/07-2

File Number: RPT/26/327

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Taygun Saritoprak - Project 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

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, in accordance with Section 178(1)(a) of the Local Government (General) Regulation 2021, accepted the tender from Oliver Concreting Pty Ltd for Contract PT2526/07-2 in the amount of \$227,410.00 (ex GST), and authorised the Mayor and General Manager to sign the contract documentation and affix the Council seal.

13 CONCLUSION OF THE MEETING

The meeting concluded at 5:54pm

NEXT MEETING

19 August 2026

.....
CHAIR

6 OUTSTANDING MATTERS FROM PREVIOUS MEETINGS

6.1 STATUS REPORT ON PREVIOUS COUNCIL RESOLUTIONS AS 19 AUGUST 2026

File Number: RPT/26/415

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: 4.3 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 19 August 2026.

Attachments

1. Outstanding Actions as at 19 August 2026 [↓](#)

Division: Committee: Officer:		Date From: Date To: Printed: Monday, 10 August 2026 4:18:09 PM
Outstanding Action Items Report		

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	<u>Council Resolution</u> 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>	10 Aug 2026 12:33pm Wall, Samantha All high priority items have been completed., Councils Parks & Gardens team are continually looking at defects on playgrounds with maintenance of the parks. All items will be fixed or replaced if needed.
Ordinary Council 17/09/2025	10.2	Advocacy Second Bridge at Monak	<u>Council Resolution</u> 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>	10 Aug 2026 4:14pm Carter, Ebony Ongoing
Ordinary Council 15/04/2026	10.1	Recognition of Local Community members	<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)	10 Aug 2026 4:15pm Carter, Ebony Tom Modica Pathway signage and Cameron Lane naming complete. Plaque still to be affixed in honour of Ewan Reuben Cameron.

Division: Committee: Officer:		Date From: Date To: Printed: Monday, 10 August 2026 4:18:09 PM	
Outstanding Action Items Report			

			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>	
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>	10 Aug 2026 4:14pm 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 24/06/2026	8.1	Audit, Risk and Improvement Committee - 14 May 2026	<u>Council Resolution</u> 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	06 Aug 2026 4:25pm Rule, Simon Policies have been included in the August Business Papers for approval.

Division: Committee: Officer:		Date From: Date To: Printed: Monday, 10 August 2026 4:18:09 PM	
Outstanding Action Items Report			

			- GOV019 Statement of Business Ethics Policy - GOV024 Credit Card Policy Moved Cr. Rodda, Seconded Cr. Starick <u>CARRIED UNANIMOUSLY</u>	
Ordinary Council 15/07/2026	9.2	Local Government NSW Annual Conference 2026	<u>Council Resolution</u> That Council nominate the Mayor and General Manager to attend the Local Government New South Wales 2026 Annual Conference from Sunday 22 November to Tuesday 24 November and that the Mayor be Councils voting delegate. Moved Cr. Rodda, Seconded Cr. Nichols <u>CARRIED UNANIMOUSLY</u>	17 Jul 2026 1:50pm Carter, Ebony Conference has been booked
Ordinary Council 15/07/2026	9.6	Request for Event Funding, 2026 Spirit of Cricket	<u>Motion</u> That Council provide a partial contribution of \$8,250.00. Moved Cr. Beaumont, Seconded Cr. Nichols	07 Aug 2026 9:15am Hawkins, Aaron Notified applicants of outcome of funding outcome.
Ordinary Council 15/07/2026	9.7	Request for Event Funding - Sunraysia Safari Rally 2026	<u>Council Resolution</u> That Council provide a partial contribution of \$25,000 being made up of cash and in kind support. Moved Cr. Rodda, Seconded Cr. Weeding <u>CARRIED UNANIMOUSLY</u>	07 Aug 2026 9:16am Hawkins, Aaron Notified applicant of funding outcome.
Ordinary Council 15/07/2026	9.11	Lifting of Alcohol-Free Zone – Wentworth	<u>Council Resolution</u> That Council:	10 Aug 2026 1:22pm Stephenson, Chloe Advertising Request Complete, Letter to Dareton Police Complete

Division: Committee: Officer:			Date From: Date To: Printed: Monday, 10 August 2026 4:18:09 PM		
Outstanding Action Items Report					
	Rowing Club Lawns Area	a) In accordance with Section 645 of the <i>Local Government Act 1993</i>, suspends the operation of the alcohol-free zone in the area of the Wentworth District Rowing Club Lawns area as shown on the map attached to this report, on Saturday 31 October 2026 and Sunday 1 November 2026 from 12:00 noon to 10:00 pm b) Advertises the suspension of the alcohol-free zone in a locally circulated newspaper and, Councils website and other social media c) Advise the NSW Police of the details of the suspensions of the alcohol-free zone Moved Cr. Nichols, Seconded Cr. Evans CARRIED UNANIMOUSLY			

7 MAYORAL AND COUNCILLOR REPORTS

7.1 MAYORAL REPORT AUGUST 2026

File Number: RPT/26/370

Summary

The purpose of this report is to advise Council of meetings, conferences and appointments undertaken by Mayor Linklater from 16 July 2026 – 19 August 2026.

Recommendation

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

Report

The following table lists the meetings attended by Mayor Linklater for the period of 16 July 2026 – 19 August 2026.

Date	Meeting	Location
17 July 2026	Southwest Rez CEBP Meeting	Deniliquin
20 July 2026	Mayoral Meeting	Wentworth
21 July 2026	Lightstate Committee of Management	Mildura
23 July 2026	DPIRD Regional Visit	Wentworth
27 July 2026	Mayoral Meeting	Wentworth
28 July 2026	ABC Breakfast Radio Interview with Andrew McConville – Basin Plan Review	Mildura
30 July 2026	Donor Appreciation Afternoon Tea – Mildura Health Foundation	Mildura
03 Aug 2026	Mayoral Meeting	Wentworth
04 Aug 2026	Unveiling Tom Modica Pathway Signs	Gol Gol
05 Aug 2026	Marg Whyte Mural Unveiling	Wentworth
06-07 Aug 2026	RAMJO Meeting	Tocumwal
10 Aug 2026	Mayoral Meeting	Wentworth
17 Aug 2026	Mayoral Meeting	Wentworth
17 Aug 2026	Planning Training	Wentworth
17 Aug 2026	Joint WSC & MRCC meeting	Wentworth
18 Aug 2026	Lightstate Committee of Management	Mildura
19 Aug 2026	Energy Co Presentation Community & Employment Benefit Program	Wentworth
19 Aug 2026	Ordinary Council Meeting	Wentworth

Attachments

Nil

8 REPORTS FROM COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 GENERAL MANAGERS REPORT AUGUST 2026

File Number: RPT/26/360

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 - 26-10 - End of Year Reporting Requirements

Council Circular - 26-12 - Annual Cpi Adjustment Filming Application Fees and Companion Animal Fees for 2026-27

Council Circular - 26-13 - Annual Reporting of Labour Statistics

Council Circular - 26-11 – Procurement Guidance for Local Government

2. Meetings

As listed.

3. Upcoming meetings or events

As listed.

4. Other items of note

Recommendation

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

Detailed Report

1. Circulars

Council Circular - 26-10 – End of Year Reporting Requirements

What's new or changing?

- End of year reporting information for the 2025-26 financial year
- Financial Data Return (FDR) for 2025-26 financial year
- Annual Report checklist for 2025-26 financial year
- Calendar of Compliance for 2026-27 financial year

- Permissible Income Workpaper for 2026-27 financial year
- Local Government Grants Commission Roads and General 2025-26 return
- National Local Road Data System Survey 2025-26

Council Circular - 26-12- Annual Cpi Adjustment – Filming Application Fees and Companion Animal Fees for 2026-27

What's new or changing?

Filming Application Fees

- The maximum fees councils may charge for filming applications and approvals under the NSW Local Government Filming Protocol (Protocol) have been adjusted for inflation based on the Consumer Price Index (CPI).
- Councils may wish to revise their fee structure for filming applications for the 2026/27 financial year to account for this fee adjustment in line with CPI.
- As maximum fees associated with filming applications and approvals are set by the State, councils are not required to exhibit and adopt the applicable fees as part of their annual Revenue Policy.

Companion Animal Fees

- The 2026/27 fees payable for registration and permits for companion animals have been adjusted for inflation under clauses 18 and 27 of the Companion Animals Regulation 2018 based on the Consumer Price Index (CPI).
- The new fees are effective from 1 July 2026.

Council Circular - 26-13 – Annual Reporting-of Labour Statistics

What's new or changing?

- Wednesday, 4 March 2026 has been chosen as the “relevant day” for councils to report on their labour statistics in their annual reports under section 217 of the Local Government (General) Regulation 2021 (the Regulation).
- OLG will extract labour statistics data from all NSW councils' annual reports. Councils must clearly record

Council Circular - 26-11 – Procurement Guidance for Local Government

What's new or changing?

The Procurement Guidelines for NSW Local Government (Guidelines) are now available on the Office of Local Government's (OLG) website <https://olg.nsw.gov.au/>. The OLG has established the Procurement Working Group (Working Group) to provide input into the development of a range of additional comprehensive supplementary guidance materials and other procurement resources for councils

2. Meetings

Following is a list of meetings or events attended by the Acting General Manager from 16 July 2026 – 26 July 2026 and the General Manager for the period of 27 July 2026 – 19 August 2026.

Date	Meeting	Purpose	Location
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17 July 2026	GMAC Meeting	General Managers Advisory Committee Meeting run through RAMJO which brings together twelve councils along the Murray and north to provide a united and local voice for the communities.	Online
20 July 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community issues, services and infrastructure. Discussion points included: - RFDS Car Rally - FOSO update	Wentworth
21 July 2026	Lightstate 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 - Marketing Update - Joint Communications	Mildura
23 July 2026	DPIRD Regional Visit – NSW Sustainable Communities Program	Visit to the region from DPIRD Representatives to engage directly with local businesses and industry stakeholders to discuss the program and support potential applicants.	Wentworth
24 July 2026	TOL & FOSO PCG Meeting	Fortnightly meeting with Mildura Rural City Council to discuss the operations, directions and key recommendations for TOL+FOSO. Discussion points included: - Destination Marketing Approach - Mundi Mundi Promotional Update - Ticketing Platform - Liquor Licence	Mildura
27 July 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community	Wentworth

		issues, services and infrastructure. Discussion points included: - FOSO - Sustainable Communities Grant - Bird Flu - Councillor Planning Workshop	
6 & 7 Aug 2026	RAMJO Meeting	Riverina & Murray Joint Organisation meeting which brings together twelve councils along the Murray and north to provide a united and local voice for the communities. Murray Darling Basin advocacy JONZA Project Financial Assistance Grants review consultation Future revisions of the Model Code of Meeting Practice Regional Waste Coordination Support Program Wiradjuri Native Title Claim	Tocumwal
10 Aug 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community issues, services and infrastructure. Discussion points included: Bird Flu Pooncarie Races Wentworth Community Hub proposal Wamberra Road condition	Wentworth
12 Aug 2026	LEMC Meeting	Local Emergency Management Committee Meeting Agency Reports H5 Bird Flu education Cross Border Fire and Evacuation	Wentworth

13 Aug 2026	ARIC Meeting	Meeting held to provide oversight of Councils Financial Reporting, Risk Management, Internal Controls, Compliance Obligations and Continuous Improvement Activities to the Audit Risk and Improvement Committee Members.	Wentworth
17 Aug 2026	Mayoral Meeting	Meeting to update the Mayor and Deputy Mayor on the Local Government Area, community issues, services and infrastructure.	Wentworth
17 Aug 2026	Joint WSC & MRCC meeting	Joint Meeting between Wentworth Shire Council and Mildura Rural City Council. FOSO Waste management	Wentworth
18 Aug 2026	Lightstate Committee of Management	Monthly Meeting of the decision-making body for the Light State Project – MRCC and Wentworth Shire Council.	Mildura
19 Aug 2026	Energy Co Presentation to Councillors on the Community & Employment Benefit Program	Presentation to Councillors on the Southwest Rez Community and Employment Benefit Program to receive feedback.	Wentworth
19 Aug 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 20 August 2026 – 16 September 2026.

Date	Meeting	Proposed Attendees	Location
20 Aug 2026	Staff Consultative / WHS Committee Meeting	General Manager	Wentworth
20 Aug 2026	Wentworth Shire Interagency Group Meeting	Councillors Beaumont & Rodda	Buronga
24 Aug 2026	Murray Darling Association Conference and AGM	Councillor Evans	Shepperton
27-28 Aug 2026	Country Mayora Association Meeting	Mayor and General Manager	Sydney

01 Sept 2026	Sturt Highway Taskforce	Mayor	Online
07 Sept 2026	Wentworth Regional Tourism INC Meeting	Councillor Rodda	Dareton
08 Sept 2026	MDA Region 4 Meeting	Mayor, Councillors Evans & Nichols	Online
08 Sept 2026	Australian Inland Botanic Gardens Meeting	Councillor Rodda & Starick	Mildura
11 Sept 2026	Western Division Mid Term Meeting	Mayor, General Manager, Councillors Evans, Starick	Broken Hill
16 Sept 2026	Ordinary Council Meeting	Executive Staff & Councillors	Wentworth

4. Other Items of Note

Attachments

1. Council Circular - 26-10-end-of-year-reporting-requirements[↓](#)
2. Council Circular - 26-12-annual-cpi-adjustment-filming-application-fees-and-companion-animal-fees-for-2026-27[↓](#)
3. Council Circular - 26-13-annual-reporting-of-labour-statistics[↓](#)
4. Council Circular - 26-11-procurement-guidance-for-local-government[↓](#)

Circular to Councils

Subject/title	End of Year Reporting Requirements
Circular Details	Circular 26-10 / 1 July 2026 / A1006587
Previous Circular	<u>25-16 End of Year Reporting Requirements</u>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Performance Team – 02 4428 4100 – olg@olg.nsw.gov.au
Action required	Councils and Joint Organisations to implement

What's new or changing?

- End of year reporting information for the 2025-26 financial year
- Financial Data Return (FDR) for 2025-26 financial year
- Annual Report checklist for 2025-26 financial year
- Calendar of Compliance for 2026-27 financial year
- Permissible Income Workpaper for 2026-27 financial year
- Local Government Grants Commission Roads and General 2025-26 return
- National Local Road Data System Survey 2025-26

What will this mean for council?

- 2025-26 end of year reporting information is now available for councils and Joint Organisations (JOs). Details of when the returns are due and where to send them:

Date Return due by	Return / Report	Where to submit
31 July 2026	GST Compliance Certificates	finance@olg.nsw.gov.au
31 August 2026	Local Government Grants Commission Roads and General 2025-26 return (Financial Assistance Grant return)	gen@olg.nsw.gov.au

Date Return due by	Return / Report	Where to submit
31 October 2026	Financial Statements	finance@olg.nsw.gov.au
31 October 2026	Financial Data Returns	fdr@olg.nsw.gov.au
31 October 2026	Permissible Income Workpapers	permissibleincome@olg.nsw.gov.au
30 November 2026	National Local Road Data System Survey	nlrds@olg.nsw.gov.au
30 November 2026	Annual Report	olg@olg.nsw.gov.au

- Councils and JOs should familiarise themselves with the reporting timeframes when submitting their 2025-26 financial statements, FDR, and Financial Assistance Grant return.
- Councils can access and download the 2025-26 FDR, Financial Assistance Grant return, the 2025-26 Annual Report Checklist, the 2026-27 Permissible Income Workpaper and the 2026-27 Calendar of Compliance from the Office of Local Government (OLG) website.
- Councils and JOs can use the respective annual report checklists to ensure that the information required under the *Local Government Act 1993* (Act), the Local Government (General) Regulation 2021, and other relevant legislation and guidelines, is included within their annual report and annual performance statement.
- Councils should use the Calendar of Compliance and Reporting Requirements 2026-27 to assist in planning strategic and operational tasks throughout the year.

Key points

GST Compliance Certificate

- The GST Compliance Certificate requires the signatures of the General Manager and Responsible Accounting Officer.
- The Certificate is to be emailed to finance@olg.nsw.gov.au by 31 July 2026.
- The Certificates are collected by OLG on behalf of NSW Treasury.

Financial Assistance Grants general return

- The Financial Assistance Grants general return is to be submitted by 31 August 2026.
- The National Local Roads Return is due by 30 November 2026.

Financial Statements and FDR

- The financial statements and FDR are to be sent electronically to OLG by 31 October 2026.
- Annexure 1 provides information to assist councils submit their 2025-26 financial statements and FDR.
- Annexure 2 provides information to assist JOs submit their 2025-26 financial statements and FDR.
- The FDR is available on the OLG Website Council Portal, *Councils Surveys and data returns* [here](#) (noting you will need to login to the Portal to access) and the Circular is available [here](#).

Permissible Income Workpapers

- The Permissible Income Workpapers are to be emailed to permissibleincome@olg.nsw.gov.au (please note this is a new email address) by 31 October 2026.

Annual Report

- Under the Act, councils must prepare an annual report and JOs an annual performance statement **within 5 months** of the end of the financial year (i.e. by 30 November 2026). An annual report checklist is available [here](#).
- Councils and JOs must upload a copy of the annual report to their website and provide a copy to the Minister for Local Government and such other persons and bodies as regulations require. Councils and JOs should notify the Minister by providing a URL link to OLG (olg@olg.nsw.gov.au).
- Councils should ensure they report performance against targets, outcomes, efficiency and cost effectiveness over time.
- JOs should ensure they report as to their progress in implementing strategies and plans for delivering strategic regional priorities.
- Councils are reminded of the importance of addressing the labour statistics requirements to ensure there is clear data on permanent full and part time, casual and fixed term contract employees.

Calendar of Compliance

- The Calendar of Compliance and Reporting Requirements 2026-27 includes key statutory and other reporting deadlines for councils.

- Councils' statutory and other reporting deadlines are not limited to those included in the Calendar of Compliance and Reporting Requirements 2026-27.
- Councils are required to submit the permissible income working papers following the auditing process.
- Instructions on where to email the returns are included on the cover sheet of the respective returns and in the table above.
- Councils are reminded that they must place their Operational Plan, Revenue Policy and Fees and Charges on council's website within 28 days of adoption, with the Community Strategic Plan, Resourcing Strategy and Delivery Program.

Where to go for further information

- The Local Government Code of Accounting Practice and Financial Reporting (the Code) for 2025-26 is available on OLG's website [here](#).
- The 2025-26 annual report checklist is available [here](#).
- The 2026-27 Calendar of Compliance can be accessed at [here](#).
- The FDR, Financial Assistance Grant returns and Permissible Income Workpapers can be sourced from the Council Portal (noting you will need to login to the Portal) [here](#).
- The GST Compliance Certificate template can be sourced from the Council Portal (noting you will need to login to the Portal) [here](#).

A handwritten signature in black ink, appearing to read "Erica van den Honert".

Erica van den Honert
A/Deputy Secretary, Office of Local Government

Annexure 1: Information to assist councils prepare 2025-26 Financial Reports

Submission of Financial Statements

- The general purpose financial statements, special purpose financial reports, special schedules, and the Auditor's Reports are to be formatted into a single PDF document, with the title name format: "Council name – Financial Statements – 2025-26".
- All Councils, County Councils and Joint Organisations must lodge their financial statements by **31 October 2026**.
- The financial statements should be emailed to finance@olg.nsw.gov.au.
- Statements received after this date will be considered as being submitted late and not in accordance with the Act.
- Should council require an extension to lodge their financial statements, these should be requested in writing by the General Manager prior to 16 October 2026 and are to be forwarded to olg@olg.nsw.gov.au.

The Code – Update 2025-26

- The Code must be used to prepare the annual financial statements in accordance with the Act and the Local Government (General) Regulation 2021 (Regulation).
- The Code and supporting materials are available on the OLG website [here](#)

Communications during the preparation of financial statements and audit process

- Finance professionals are encouraged to communicate with the Audit Service Providers / Audit Office representatives in relation to any matters that may arise.
- Audit, Risk and Improvement Committees may consider engaging committee members early to review the financial statements, key accounting estimates and accounting issues prior to audit.

Financial Data Return (FDR)

- This is to be submitted by **31 October 2026** to fdr@olg.nsw.gov.au in Excel format only.
- The FDR should be accurate and align with the audited financial statements. The FDR will be returned to council should there be any errors, discrepancies or worksheets not completed.
- The return can be accessed via the Council Portal on the OLG website.
- Information/data from the FDR is published in the Time Series Data, Your Council website and for the monitoring of council's performance. Data is also used in the calculation of councils FA grants.

Asset valuations and fair value assessments

- Councils should ensure early commencement and completion of asset revaluations.
- Adequate documentation, including position papers need to be readily available for the auditors, if requested.

- The necessary documentation should be agreed to with the auditor prior to year-end.
- Restrictions on asset use, especially for community land and land under roads, should be considered when assessing valuation.
- NSW Valuer General's valuations may be used to represent the fair value of community land.
- Councils will need to separately consider any improvements made to community land in the overall fair value assessment.

Council Borrowings

- Councils must advise the Deputy Secretary, Local Government of amounts borrowed within 7 days when loans are drawn, in accordance with section 230 of the Regulation. Notification can be emailed to finance@olg.nsw.gov.au.
- Councils are also reminded of the need to complete the capital expenditure review requirements, as per OLG Circular 10/34, prior to the commencement of projects greater than \$1 million or 10% of council ordinary rating revenue. Please contact OLG's Performance Team if you have any questions in relation to this review on (02) 4428 4100.

Annexure 2: Information to assist JOs prepare 2025-26 Financial Reports

Submission of Financial Statements

- The general purpose financial statements and the Auditor's Reports are to be formatted into a single PDF document, with the title name format: "JO name – Financial Statements – 2025-26".
- All JOs must lodge their financial statements by **31 October 2026**.
- The financial statements are to be sent to finance@olg.nsw.gov.au.
- Statements received after this date will be considered submitted late and not in accordance with the Act.
- Should the JO require an extension to lodge their financial statements, these are to be requested in writing by the General Manager prior to 16 October 2026 and must be forwarded to olg@olg.nsw.gov.au.

JOs Supplement to Local Government Code of Accounting Practice and Financial Reporting (Supplement)

- The Supplement must be used to prepare the annual financial statements in accordance with the Act and the Regulation.
- The Supplement is available on the OLG's website at [here](#)

JO Financial Data Return (FDR)

- This is to be submitted by **31 October 2026** to jofdr@olg.nsw.gov.au in Excel format only.
- The JO FDR should be accurate and align with the audited financial statements. The FDR will be returned to the JO should there be any errors, discrepancies or worksheets not completed.
- The return can be accessed via the Council Portal on the OLG website.

Circular to Councils

Subject/title	Annual CPI adjustment - Filming Application Fees and Companion Animal Fees for 2026/27
Circular Details	Circular No 26-12/ 08 July 2026/ A1005725
Previous Circular	<u>25-14 Publication of Filming Protocol</u> <u>25-12 Annual CPI adjustment to companion animal fees for 2025/26</u>
Who should read this	Councillors, General Managers and Finance Staff, as well as: For Filming Application Fees: Council Film Contact Officers, Events staff For Companion Animal Fees: Companion Animal Enforcement and Administration staff
Contact	Filming Applications: (02) 4428 4100 or olg@olg.nsw.gov.au – attention Sector Policy & Frameworks Companion Animals: (02) 4428 4100 or pets@olg.nsw.gov.au – Pet Helpline
Action required	Information / Council to Implement

What's new or changing?

Filming Application Fees

- The maximum fees councils may charge for filming applications and approvals under the NSW Local Government Filming Protocol (Protocol) have been adjusted for inflation based on the Consumer Price Index (CPI).
- The new fee schedule, effective from 1 July 2026, is as follows:

Fee Type	No impact	Low impact	Medium impact	High impact
Application assessment fee	No fee	Maximum fee: \$105 (payable at application and non-refundable)	Maximum fee: \$105 (payable at application and non-refundable)	Maximum fee: \$105 (payable at application and non-refundable)
Additional maximum application processing fees – on approval	Not applicable	\$188	\$402	\$700
Late application maximum assessment fee	Not applicable	\$470	\$1,006	\$1,749
Traffic Management Plan (TMP) assessment – maximum fees	Not applicable	\$147	\$418	As per council's standard road closure fees

- Councils may wish to revise their fee structure for filming applications for the 2026/27 financial year to account for this fee adjustment in line with CPI.
- As maximum fees associated with filming applications and approvals are set by the State, councils are not required to exhibit and adopt the applicable fees as part of their annual Revenue Policy.

Companion Animal Fees

- The 2026/27 fees payable for registration and permits for companion animals have been adjusted for inflation under clauses 18 and 27 of the Companion Animals Regulation 2018 based on the Consumer Price Index (CPI).
- The new fees are effective from 1 July 2026.

Some fee categories have changed

- Category names have been amended to reflect the implementation of current legislation relating to registration that has been enabled by the new functionality of the Companion Animals Register (CAR) and NSW Pet Registry, which allows for the individual payment of registration fees under the CA Regulation, being:

- o Dog - Registration fee (by 12 weeks or when sold if earlier than 12 weeks of age)
 - o Registration fee due at 12 weeks of age or when first sold (even if it is less than 12 weeks (clause 14 - CA Regulation)
 - o Dog - Additional Fee (dog not desexed by 6 months)
 - o Additional fee for a dog that is not desexed and not exempt from desexing by 6 months (clause 18 - CA Regulation)
 - o Cat - annual fee for a permit for a cat not desexed and not exempt from desexing by 4 months (clause 27 - CA Regulation)
- A Registration late fee will apply to an animal not registered by 12 weeks of age (plus 28 days).

Online and in person payments

- While we work to expand the NSW Pet Registry, the following fees must be paid at council:
 - o Dog – Additional Fee (dog not desexed by 6 months)
 - o Cat (not desexed by four months of age)
 - o Dangerous dog permit
 - o Restricted dog permit
- The fees above will incur a late fee if not paid after an additional 28 days.

What will this mean for council?

- Councils must apply the adjusted 2026/27 financial year companion animal registration, additional fee and annual permit fees from 1 July 2026.
- Council staff need to be aware of the new payment categories.
- Councils must continue to register eligible pound/shelter and approved rehoming organisation animals through the CAR. Free registration for these animals does not mean that registration is not required. The established process of ‘flagging’ an animal as being purchased from an eligible pound/shelter is required to validate a free registration.
- Councils can encourage members of the public to establish a NSW Pet Registry account via Service NSW to pay registration fees and receive push notifications.
- Councils must enter the registrations in a two-stage process as all combined fees are no longer available due to the implementation of the fee structure.

Key points

- The NSW Pet Registry will be updated to include the new fees for online registration and permit payments made by pet owners from 1 July 2026.
- Both the old and new fee structures will be maintained on the CAR to allow councils to correct registration details for existing records and catch up on data entry backlogs (i.e. where fees have been receipted before 1 July 2026 but not entered on the Register).

Registration Category	New fee
Dog – Registration fee (by 12 weeks or when sold if earlier than 12 weeks)	\$84
Dog – Additional Fee (dog not desexed by 6 months)	\$198
Dog – Registration (by eligible pensioner)	\$37
Dog – Desexed (sold/ transferred from pound/shelter or rehoming Organisation)	\$0
Dog – Registrations (desexing not recommended)	\$84
Dog – Registration (desexing not recommended eligible pensioner)	\$37
Dog – Registration (recognised breeder)	\$84
Dog – Working	\$0
Dog – Service of the State	\$0
Assistance Animal	\$0
Cat – Registration fee (by 12 weeks or when sold if earlier than 12 weeks)	\$74
Cat – Registration (eligible pensioner)	\$37
Cat – Desexed (sold/ transferred from pound/shelter or rehoming Organisation)	\$0
Cat – Registration (desexing not recommended)	\$74
Cat – Registration (desexing not recommended - eligible pensioner)	\$37
Cat – Registration (recognised breeder)	\$74
Registration late fee	\$25
Annual permit category	New fee
Cat (not desexed by four months of age)	\$104
Dangerous dog	\$247
Restricted dog	\$247
Permit late fee	\$25

Where to go for further information

Filming Application Fees

- The Local Government Filming Protocol is issued under Section 119D of the *Local Government Act 1993* and sets out requirements for both councils and filmmakers associated with filming related activity approvals.
- The Protocol prescribes the maximum fees a council may charge for filming applications and approvals.
- The Protocol was reviewed and updated in June 2025 and included changes to prescribed maximum fee structures and annual adjustments in line with CPI
- A copy of the Protocol as well as an updated table of fees is available on the OLG website at: <https://www.olg.nsw.gov.au/councils/infrastructure-and-services/services-to-communities/events-management-and-filming>

Companion Animal Fees

- A list of registration categories, the new fees for 2026/27 is provided on the Office of Local Government's (OLG) website at
<https://www.olg.nsw.gov.au/pets/nsw-pet-registry/registration-and-permit-fees/pet-registration-fees#registration-fees-for-dogs-and-cats>
<https://www.olg.nsw.gov.au/pets/nsw-pet-registry/registration-and-permit-fees/non-desexed-cat-and-dog-fees>
<https://www.olg.nsw.gov.au/pets/nsw-pet-registry/registration-and-permit-fees/annual-pet-permit-fees>
<https://www.olg.nsw.gov.au/pets/nsw-pet-registry/breeders/register-breeding-animal>
- Information relating to the processing of registration fees is available in Companion Animals Guideline 1 – Registration Agents, available on OLG's website at
<https://www.olg.nsw.gov.au/sites/default/files/2026-02/companion-animals-guideline-1-registration-agents.pdf>
- Information on the new functionality and separate payments for registration and the additional fee for non-desexed animals that are not exempt can be found by contacting Pet Helpline 02 4428 4100.
- Contact pets@olg.nsw.gov.au for information about the fees.



Brett Whitworth PSM
Deputy Secretary, Local Government

Circular to Councils

Subject/title	Annual Reporting of Labour Statistics
Circular Details	Circular No 26-13/ 9 July 2026 / A1009905
Previous Circular	25-15 Annual Reporting of Labour Statistics
Who should read this	Councillors / General Managers / Human Resources Staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- **Wednesday, 4 March 2026** has been chosen as the “relevant day” for councils to report on their labour statistics in their annual reports under section 217 of the Local Government (General) Regulation 2021 (the Regulation).
- OLG will extract labour statistics data from all NSW councils’ annual reports. Councils must clearly record this data in their annual reports in line with the requirements of the Regulation.

What will this mean for council?

- In their 2025/26 annual reports, councils must publish a statement of the total number of persons who performed paid work for them on **Wednesday, 4 March 2026** including, in separate statements, the total number of the following:
 - o the number of persons directly employed by the council:
 - on a permanent full-time basis
 - on a permanent part-time basis
 - on a casual basis
 - under a fixed-term contract
 - o the number of persons who continue to be employed by the council as “senior staff” within the meaning of the now repealed provisions of the *Local Government Act 1993* (Act), under the transitional arrangements in the Act

- o the number of persons engaged by the council, under a contract or other arrangement with the person's employer, that is wholly or principally for the labour of the person
- o the number of persons supplied to the councils, under a contract or other arrangement with the person's employer, as an apprentice or trainee.

Key points

- Section 217 of the Regulation requires a “relevant day” to be fixed after the end of each financial year for the purpose of reporting councils’ labour statistics and must be a different day to the one fixed for the previous year.
- The collection of labour force data across the sector assists in developing and evaluating programs to deliver the Government’s election commitment of increasing the number of apprentices and trainees in councils.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

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Brett Whitworth PSM
Deputy Secretary, Local Government

Circular to Councils

Subject/title	Procurement Guidance for Local Government
Circular Details	Circular No 26-11/ 13 July 2026 / A995578
Previous Circular	<u>Council Circular 25-19 Procurement Guidelines for NSW Local Government</u>
Who should read this	Councillors / General Managers / Council procurement staff
Contact	Council Governance / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

What's new or changing?

- The Procurement Guidelines for NSW Local Government (Guidelines) are now available on the Office of Local Government's (OLG) website <https://olg.nsw.gov.au/>.
- The OLG has established the Procurement Working Group (Working Group) to provide input into the development of a range of additional comprehensive supplementary guidance materials and other procurement resources for councils.

What will this mean for council?

- The Guidelines are issued under section 23A of the *Local Government Act 1993* (the Act). Local councils, or entities acting on behalf of local councils, are required to consider the Guidelines when conducting procurement or procurement-related activities.
- Users should refer to the Guidelines together with the Act and the Local Government (General) Regulation 2021 (Regulation).
- The Guidelines outline principles and processes that represent best practice in procurement. These principles and processes enable delivery of quality outcomes that provide value for money while effectively managing risks, that help to support NSW local councils to serve their communities.

- OLG will be consulting further with councils on the content of the supplementary guidance materials as and when they are developed with the Working Group.

Key points

- The Guidelines provide clarification on the interpretation and application of the Act and the Regulation as they apply to procurement activities.
- OLG looks forward to working closely with the Working Group to develop supplementary guidance and consulting with the sector further.
- OLG would like to thank everyone who provided feedback and contributed to the Guidelines.

Where to go for further information

- The Guidelines are available on the OLG website at <https://olg.nsw.gov.au/>. For further information, please contact OLG's Council Governance Team by telephone 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
Local Government

9.2 CHRISTMAS LEAVE ARRANGEMENTS

File Number: RPT/26/371

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

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 An effective and efficient organisation

Summary

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

Recommendation

That Council approves the Christmas and New Year holiday arrangements.

Detailed Report

Purpose

Christmas Day in 2026 falls on a Friday, as does New Year's Day 2027.

The public holiday standard in the Act provides that when New Years Day, Christmas Day or Boxing Day falls on a Saturday or Sunday, there is to be an additional public holiday on the following Monday or Tuesday.

The approved public holidays for 2026/27 Christmas/New Year period are Friday 25 December 2026, Saturday 26 December 2026, Monday 28 December 2026 and Friday 1 January 2027.

It is proposed that the Christmas close-down occurs at the close of business on Thursday 24 December 2026 with Council Libraries, Main Office and Midway Centre to re-open on Monday 4 January 2027. The detailed list of arrangements is on the following table.

Council Area	
Main Administration Office, Midway Service Centre, Council Libraries and Workshop	- Closed from close of business Thursday 24 December 2026. - Re-open normal operating hours from Monday 4 January 2027.
Visitor Information Centre	- Closed Friday 25 December 2026, Saturday 26 December 2026, Monday 28 December 2026 and Friday 1 January 2027. - Open Sunday 27 December 2026, Tuesday 29 December 2026, Wednesday 30 December 2026 and Thursday 31 December 2026 from 9am to 2pm. - Re-open normal operating hours from Saturday 2 January 2027.
Council Landfill sites	- Closed Friday 25 December 2026, Saturday 26 December 2026, Monday 28 December 2026 and Friday 1 January 2027. - Open normal operating hours Sunday 27 December 2026, Tuesday 29 December 2026,

	Wednesday 30 December 2026 and Thursday 31 December 2026. • Re-open normal operating hours from Saturday 2 January 2027.
Depot Store	• Closed Friday 25 December 2026, Monday 28 December 2026 and Friday 1 January 2027. • Open Tuesday 29 December 2026, Wednesday 30 December 2026 and Thursday 31 December 2026 from 7am to 12pm. • Re-open normal operating hours from Monday 4 January 2027.

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

Attachments

Nil

9.3 UNION PICNIC DAY

File Number: RPT/26/372

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

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

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

Recommendation

That Council:

- a) Approve Tuesday 3 November 2026 as the Award holiday known as Union Picnic Day for those employees who are financial members of the United Services Union
- b) Authorise the closure of Council Offices, Council Depots, Libraries, Landfills and Visitor Information Centre
- c) Require Non-union members to apply for 3 November 2026 from leave entitlements to enable the above arrangements

Detailed Report

Purpose

The purpose of this report is to inform Council of the provisions under the Award to enable a resolution of Council to be made regarding the Union Picnic Day.

Background

Under section 22B of the Local Government (State) Award 2026:

- i. Union Picnic Day shall for the purposes of this Award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the employer and the union(s).
- ii. The union(s) shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.
- iii. Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.
- iv. Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to the employer to take annual leave, long service leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by the employer, or may be required by the employer to make up time.

Council is requested to make a determination about which day is granted as the Union Picnic Day. Historically, Melbourne Cup Day has been the nominated day to fall in line with the Victorian Public Holiday and the Wentworth Races.

The United Services Union have respectfully requested that Council abide by Clause 22B of the Local Government (State) Award 2026 and ask Council to require non-union members to apply for leave if they wish to have the Union Picnic Day off. This effectively leaves departments under resourced and accordingly the previous arrangements have been to close the offices, depot libraries, landfills and Visitor Information Centre with those non-members of a Union being requested to take leave on that day.

Matters under consideration

As required by the Award, the Union is to advise management of the staff who are entitled this day. This will equate to approximately 60 staff who are union members having the day off in accordance with the award. Up until and including 2022, Council resolved to endorse the Union Picnic Day on Melbourne Cup Day and additionally grant a free good will day to all non-members. This was not accepted by the United Services Union due to the union members not having their entitlement respected. This inadvertently led to a good will Melbourne Cup Day Holiday being granted in accordance with the resolution of Council to all staff and an additional day granted separately to the Union members.

Conclusion

Union members have traditionally nominated Melbourne Cup Day as the preferred day for Union Picnic Day. All non-members of a Union have previously been requested to take leave on that day due to Council being under resourced with approx. 60 staff having the Union Picnic Day off. As such the office, depot, libraries, landfills and Visitor Information Centre have been closed on that day. This report provides the opportunity for Council to consider its position on this matter.

Attachments

Nil

9.4 PLANT REPLACEMENT - PRE APPROVAL FOR TENDER FOR PURCHASE OF BULLDOZER

File Number: RPT/26/365

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

Summary

Council's Roads and Engineering Department is seeking approval to spend up to \$670,000 (including GST) from the 2026/27 Plant Replacement Budget to purchase a second-hand 23–25 tonne bulldozer.

The bulldozer will support a range of essential Council operations, including road construction and maintenance, earthworks, drainage projects, landfill operations, and emergency response activities.

Due to the highly competitive second-hand heavy machinery market, Council is requesting pre-approval to purchase a suitable machine before a specific unit is identified. This will allow officers to quickly secure equipment while completing inspections, mechanical assessments, and due diligence, reducing the risk of losing suitable opportunities.

Recommendation

That Council

1. Authorises the General Manager to approve expenditure of up to \$670,000 (including GST) from the 2026/2027 Plant Replacement Budget for the purchase of a second-hand 23–25 tonne bulldozer.
2. Notes that a further report will be presented to Council following the procurement process, detailing the successful supplier, purchase price, and associated costs.

Detailed Report

Purpose

The purpose of this report is to seek Council approval for the General Manager to expend up to \$670,000 (including GST) for the procurement of a second-hand 23–25 tonne bulldozer, as provided for in the 2026/2027 Plant Replacement Budget.

Report Detail

Council's Roads and Engineering Department requires the replacement of a bulldozer to ensure the continued delivery of essential infrastructure works throughout the Wentworth Shire. A second-hand 23–25 tonne bulldozer has been identified as the preferred option, providing the best balance between operational capability and value for money.

Over the past 12 to 18 month period Council has hired a bulldozer for significant periods of time to undertake works including the stripping of overburden from licenced gravel pits, winning of gravel materials for identified capitals works projects and the reinstatement of licenced gravel extraction areas, during this period hire costs to Council have exceeded \$200,000.00.

Council's current 5 year forward works program identifies significant road construction and upgrade works funded by various State and Commonwealth grant programs in excess of that undertaken by Council in the past 18 month period.

The proposed lower hour second hand bulldozer is viewed as the best value for money alternative to provide the required activities, as compared to a new machine which is estimated to cost in excess of \$1,000,000.00 and could be made available in a much earlier timeframe. The proposed second hand machine will be used across a range of Council activities, including road construction and maintenance, earthworks, drainage projects, landfill operations, and emergency response works. The purchase is included within the 2026/2027 Plant Replacement Budget.

Approval is sought for The General Manager to expend up to \$670,000 (including GST).

The market for quality second-hand heavy machinery is highly competitive, with suitable equipment often selling within a short timeframe. Seeking Council approval before a specific machine has been identified will enable officers to issue a purchase order and place a hold on a suitable bulldozer while detailed inspections, mechanical assessments, and due diligence are undertaken. This process allows Council sufficient time to verify the condition and suitability of the equipment without the risk of losing the opportunity due to delays in obtaining further Council approval.

This approach is informed by Council's previous experience during the procurement of a second-hand articulated dump truck for the Buronga Landfill. On that occasion, Council was unable to secure the preferred machine because a purchase order could not be issued prior to Council approval being obtained. As a result, the equipment was sold to another purchaser before Council could complete the procurement process.

The inability to secure the preferred machine resulted in an estimated additional cost of approximately \$90,000, with Council ultimately purchasing an older replacement. This experience demonstrated the challenges associated with procuring quality second-hand plant and highlighted the need for a more responsive procurement process.

Granting pre-approval for this purchase will allow the General Manager and Council officers to act promptly when an appropriate bulldozer becomes available while still complying with Council's procurement requirements. The proposed approach balances operational efficiency with appropriate governance and financial oversight.

Once a suitable machine has been identified and procured, a report will be presented to Council outlining the details of the purchase, including the successful supplier, purchase price and any associated costs.

Conclusion

The purchase of a second-hand 23–25 tonne bulldozer is a necessary investment that will improve Council's capacity to deliver infrastructure and maintenance services throughout the Wentworth Shire.

Providing pre-approval for expenditure of up to \$670,000 (including GST) will enable Council to respond quickly to opportunities in the competitive second-hand plant market, reducing the risk of losing suitable equipment while maintaining compliance with Council's procurement policies and governance requirements.

The proposed approach has been developed following lessons learned from previous procurement experiences and will assist Council in securing the most suitable machine at the

best possible value. A further report will be provided to Council following the completion of the procurement process, ensuring transparency and accountability for the expenditure.

Attachments

Nil

9.5 SUPPORT FOR BROKEN HILL RESOLUTION URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITION) REPEAL BILL 2025 - WESTERN DIVISION OF COUNCILS

File Number: RPT/26/463

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

Summary

Broken Hill City Council on 29 July 2026 carried a motion based on a Mayoral Minute from Mayor Tom Kennedy to call upon the New South Wales Government to undertake a review of the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 (NSW) with a view to repealing the legislative prohibitions on uranium mining and uranium export.

Recommendation

That Council:

- a) Receives and notes the report
- b) Support the resolution carried by Broken Hill City Council and lobby with Broken Hill for a review of the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 (NSW) and consideration of a Community Benefits scheme.
- c) That correspondence be sent to the Premier of New South Wales, the Minister for Energy, the Minister for Natural Resources and the Member for Barwon seeking bipartisan consideration of these reforms and advocating for fair recognition of regional communities that host nationally significant industries.

Detailed Report

Purpose

The purpose of this report is to provide information for consideration by Council on a Mayoral Minute recently carried by Broken Hill City Council regarding Uranium Mining & Export.

Background

Broken Hill City Council has provided comprehensive information regarding recognition of regional communities that host nationally significant industries. See the attached Mayoral Minute.

Report Detail

Broken Hill has a proud 140-year history of supporting Australia through mining, innovation and skilled local workers. As the NSW Parliament considers the Uranium Mining and Nuclear Facilities (Prohibition) Repeal Bill 2025, the city believes it is important that regional communities have a voice in decisions that could affect their future.

The Mayoral Minute argues that the current prohibition on uranium mining and nuclear industries, introduced in 1986, should be reconsidered in light of modern technology, stronger safety standards and changing energy needs. It calls for the removal of the blanket ban so that any future proposals can be assessed on their individual merits through rigorous environmental regulation, scientific review and community consultation.

Broken Hill considers itself well placed to evaluate and potentially support such industries due to its experienced mining workforce, geological expertise, established infrastructure and strong safety record. However, the city stresses that if communities are expected to host nationally significant projects, they should also receive meaningful and lasting benefits.

Drawing comparisons to renewable energy community benefit schemes, the statement advocates for legislated funding from any future uranium or nuclear developments to support local infrastructure, healthcare, education, housing, workforce training, sporting facilities, tourism and community services.

Ultimately, the message is not an endorsement of uranium mining itself, but a call for regional communities to have the opportunity to participate in discussions about emerging industries and be fairly considered when economic opportunities arise. Mayor Tom Kennedy emphasises that Broken Hill seeks the chance to compete, contribute and benefit from industries that may help shape Australia's future, rather than having those opportunities precluded by legislation enacted nearly 40 years ago.

Conclusion

In supporting Broken Hill Council, this report seeks to endorse advocacy through appropriate pathways seeking the New South Wales Government to remove the blanket prohibition of Uranium mining allowing for individual proposals to be assessed on their merits through modern environmental regulation, independent scientific assessment and meaningful community consultation.

Attachments

1. Broken Hill Mayoral Minute Uranium Mining and Nuclear Facilities Prohibition Repeal Bill 2025[↓](#)

Ordinary Meeting of the Council

29 July 2026

ORDINARY MEETING OF THE COUNCIL

July 24, 2026

ITEM 1MAYORAL MINUTE NO. 6/26

SUBJECT: URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITION)
REPEAL BILL 2025 D26/33098

Summary

Broken Hill has never shied away from bold and ambitious conversations about its future.

For more than 140 years our city has helped build Australia through mining, innovation and the determination of generations of local families. Our community understands the resources and mining sector better than most. We know that responsible mining creates jobs, supports local businesses and provides opportunities that allow regional communities to thrive.

Broken Hill again finds itself at an important crossroads, as the Uranium Mining and Nuclear Facilities (Prohibition) Repeal Bill 2025, was passed in the NSW Legislative Council in May 2026 and awaits its second reading to occur in the NSW Legislative Assembly with carriage of the Bill being performed by our Local Member for Barwon, Mr Roy Butler, MP. Now is the time for Council to ensure, that whatever the outcome, Broken Hill's future interests are protected as well as ensuring the people of Broken Hill have a voice.

The global demand for uranium is increasing as nations seek secure, reliable and low-emissions sources of electricity. Australia possesses some of the world's largest uranium resources, yet New South Wales remains one of the few jurisdictions that continues to have a blanket prohibition against uranium mining and nuclear industries under legislation introduced in 1986.

Forty years is a long time. Technology has changed, international safety standards have strengthened, and Australia's strategic and energy needs have evolved considerably.

Regardless of individual views about uranium mining, it is reasonable to ask whether legislation enacted in another era continues to serve the interests of regional New South Wales.

We ask that the New South Wales Government removes the blanket prohibition so that proposals, should they arise, can be assessed on their individual merits through modern environmental regulation, independent scientific assessment and meaningful community consultation. Broken Hill has earned the right to be part of that conversation and final decision.

Our City has a highly skilled mining workforce, internationally recognised geological expertise, established infrastructure and a long history of operating complex industrial projects safely and responsibly. Few communities are better equipped than ours to understand both the opportunities and responsibilities associated with resource development.

Ordinary Meeting of the Council

29 July 2026

Just as importantly, if regional communities are expected to host nationally significant industries, they should receive lasting and tangible benefits.

Across New South Wales, renewable energy developments are accompanied by community benefit programs that invest directly in local infrastructure, community organisations, sporting facilities, education and economic development. Whatever one's views on renewable energy, the principle is a sound one; communities that host major projects deserve to share in the benefits.

The same principle should apply to any future uranium mining or nuclear industry.

If these industries are to contribute to Australia's future, then host communities should receive legislated community benefit funding that delivers real improvements to local roads, health services, childcare, schools, housing, workforce training, sporting facilities, tourism initiatives and community infrastructure.

Broken Hill has always done the heavy lifting for the nation. From supplying the minerals that built modern Australia to supporting generations of skilled tradespeople and engineers, our community has contributed far beyond its size.

Regional communities should not simply carry the responsibility for nationally significant projects they should also share fairly in the prosperity they create. Much in the same manner as the Community Benefits Scheme aligned to new Renewable Energy Projects which is helping many other regional communities around this state.

Broken Hill has built a reputation as a community that looks forward rather than backwards. We understand change, because change has always been part of our story.

Whether the discussion is mining, renewable energy, critical minerals or emerging technologies, regional communities deserve to have every opportunity placed on the table and assessed fairly.

Our City has never asked for special treatment. We simply ask for the chance to compete, to contribute and to benefit from the industries that will shape Australia's future. It is time for New South Wales to reconsider a prohibition that has stood for nearly four decades and allow today's science, today's regulation and today's communities to determine the best path forward.

As Mayor, my responsibility is to ensure Broken Hill is never overlooked when opportunities arise that could strengthen our economy, create secure employment, attract investment and provide a brighter future for the next generation.

This is ultimately about giving regional communities the opportunity to have a say, not having that opportunity denied by legislation that predates many of the technologies and regulatory systems that exist today.

Recommendation

1. That Mayoral Minute No. 6/26 dated July 24, 2026, be received.
2. That Council acknowledges Broken Hill's long and proud history as one of Australia's premier mining communities and recognises the importance of maintaining opportunities for future generations through responsible resource development.

Ordinary Meeting of the Council

29 July 2026

3. That Council calls upon the New South Wales Government to undertake a review of the *Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 (NSW)* with a view to repealing the legislative prohibitions on uranium mining and uranium export.
4. That Council advocates for the establishment of a legislated Uranium Community Benefits Scheme, modelled on the community benefit arrangements that currently apply to renewable energy developments across New South Wales; and requests that such a scheme provide ongoing financial contributions from approved project directly to host communities for investment in but not limited to:
 - a) local roads and transport infrastructure;
 - b) health and aged care services;
 - c) childcare and education facilities;
 - d) housing and workforce accommodation;
 - e) vocational education and apprenticeships;
 - f) sporting and recreational facilities;
 - g) environmental and heritage initiatives;
 - h) economic diversification and tourism; and
 - i) community organisations and emergency services.
5. That correspondence be sent to the Premier of New South Wales, the Minister for Energy, the Minister for Natural Resources and the Member for Barwon seeking bipartisan consideration of these reforms and advocating for fair recognition of regional communities that host nationally significant industries.
6. That copies of this Mayoral Minute and Council Resolution be sent to neighboring Far West Councils, the Western Division Councils of NSW and Regional Development Australia Far West for their information and consideration.

Attachments

There are no attachments for this report.

T. KENNEDY
MAYOR

9.6 MONTHLY FINANCE REPORT - JUNE 2026

File Number: RPT/26/400

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 July 2026 were \$1,485,124.87. After allowing for pensioner subsidies, the total levies collected are now 11.31%. For comparison purposes 9.57% of the levy had been collected at the end of July 2025. Council currently has \$36,524,768.52 in cash and investments.

Recommendation

That Council receives and notes the Monthly Finance Report for July 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 July 2026

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

	Combined Bank Account
Cash Balance as at 1 July 2026	\$ 3,729,689.59
Add: Receipts for the Period Ending 31 July 2026 Rates, Debtors, Miscellaneous	\$ 5,009,640.87
Less: Payments for the Period Ending 31 July 2026 Cash Book entries for this Month	\$ 5,427,830.29
Cash Balance of Operating A/C as at 31 July 2026	\$ 3,311,500.17
Trust Fund Balance	\$ 1,213,268.35
Total Investments as at 31 July 2026	\$ 32,000,000.00
TOTAL FUNDS AVAILABLE	\$ 36,524,768.52

Collection of Rates and Charges

Rates and Charges collections for the month of July 2026 were \$ 1,485,124.87. After allowing for pensioner subsidies, the total levies collected are now 11.31%. A summary of the Rates and Charges situation as at 31 July 2026 is as follows:

Note: For comparison purposes 9.57% of the levy had been collected at the end of July 2025.

LEVIES	RATES & CHARGES	
Balance Outstanding at 30 June 2026 - Rates / Water	1,097,815.37	
Rates and Charges Levied 17 July 2026	12,743,777.02	\$ 13,841,592.39
+ Additional Water Charges	645,906.62	
+ Supplementary Rates and Charges	3,779.94	
+ Additional Charges	4,485.04	
- Credit Adjustments	2,882.14	
- Abandonments	804.43	\$ 14,492,077.42
DEDUCTIONS		
- Payments	1,485,124.87	
- Less Refunds of Payments	18,361.11	\$ 1,466,763.76
		\$ 13,025,313.66
- Pensioner Subsidy		
Government Subsidy	94,477.83	
Council Subsidy	77,300.04	\$ 171,777.87
RATES/WATER CHARGES OUTSTANDING 31 JULY 2026		\$ 12,853,535.79

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 July 2026.

Account	Date	Amount	Comment
Rates			
1765-4	27/07/2026	1220.8	Credit - Overcharged garbage charge
342	29/07/2026	370.25	Credit - Garbage charge on farmland with no dwelling
364	29/07/2026	370.25	Credit - Garbage charge on farmland with no dwelling
Water			
1111	30/07/2026	2000	Credit the water usage charge due to a water leak, supporting documentation provided to verify the leak.
664-13	30/07/2026	187.8	Credit the water usage charges and interest in accordance with the dispute resolution request.
60	31/07/2026	758.27	Write off interest in accordance with the approved hardship request.
Debtors			
WRIGHTS	17/07/2026	\$ 456.00	Charged to wrong account at the Buronga Landfill
CHS	17/07/2026	\$ 73.00	Charged to wrong account at the Buronga Landfill
SJA	17/07/2026	\$ 106.00	Charged to wrong account at the Buronga Landfill

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	\$ 420,542.52	21/10/2026
Loan 203	National Australia Bank	Midway Centre	3.586% Fixed	\$ 1,900,000.00	\$ 1,027,411.90	1/06/2033
Loan 204	Bendigo Bank	Buronga Landfill	5.29% Fixed	\$ 1,500,000.00	\$ 1,000,942.57	12/05/2037
CFWC310604	T-Corp	Trentham Cliffs Sewer	1.82% Fixed	\$ 750,000.00	\$ 392,114.73	4/06/2031
CFWC310624	T-Corp	Burong/Gol Gol Stormwater	1.79% Fixed	\$ 1,250,000.00	\$ 653,666.88	24/06/2031
Loan 205	National Australia Bank	Willowbend Caravan Park	7.2% Fixed	\$ 1,500,000.00	\$ 847,196.73	25/01/2027
Loan 206	Bendigo Bank	Buronga Landfill #3	1.85% Fixed	\$ 900,000.00	\$ 313,156.25	25/09/2028
Loan 207	National Australia Bank	Willowbend Caravan Park	1.933% Fixed	\$ 3,000,000.00	\$ 1,932,642.31	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	\$ 24,719,565.96	

Overtime and Travelling

Month	Jul-26	Pay Periods	1 & 2			
Overtime from 20 June 2026 to 17 July 2026						
Overtime						
	Time and a Half Includes Time		Double Time		Total	2026/27 Accumulative
Department	Hours	Amount	Hours	Amount		Total
Animal Services	11.75	639.29	13.00	942.58	\$ 1,581.87	\$ 1,581.87
Civil	3.00	166.47			\$ 166.47	\$ 166.47
Council Roads	233.00	12,427.33	619.00	44650.07	\$ 57,077.40	\$ 57,077.40
IT Support	2.00	170.76			\$ 170.76	\$ 170.76
Landfill Transfer Stations	8.00	379.84	21.50	1357.01	\$ 1,736.85	\$ 1,736.85
Library	2.50	158.05	2.00	168.58	\$ 326.63	\$ 326.63
Parks & Gardens	8.00	455.74	8.50	641.39	\$ 1,097.13	\$ 1,097.13
RMS Roads	5.00	255.05			\$ 255.05	\$ 255.05
Tourism & Promotion	2.50	149.38	3.00	223.26	\$ 372.64	\$ 372.64
Water & Waste Water	52.00	3,083.34	71.00	5818.39	\$ 8,901.73	\$ 8,901.73
Workshop	7.00	471.68	3.50	312.68	\$ 784.36	\$ 784.36
Total	334.75	18,356.93	741.50	54,113.96	\$ 72,470.89	\$ 72,470.89
Travel Allowance						
Department	Kms	Amount				
Total	0	\$ -				
Grand Total						
		\$ 72,470.89				

Overtime comments provided by the Director Roads & Engineering

Roads team overtime is associated with:

- Road reconstruction works on External Grant funded projects Arumpo & River Road.

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

9.7 MONTHLY INVESTMENT REPORT - JULY 2026

File Number: RPT/26/404

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 July 2026, Council had \$32 million invested in term deposits and fixed bonds with \$4,524,768.52 in other cash investments. Council received \$95,959.71 from its investments for the month of July 2026.

In July 2026 Council investments averaged a rate of return of 4.26% and it currently has \$4,456,679.35 of internal restrictions and \$27,713,963.37 of external restrictions.

Recommendation

That Council receives and notes the monthly investment report for July 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 July 2026, Council had \$36,524,768.52 invested with Six (6) financial institutions and one (1) Treasury Corporation. This is a decrease of \$1,418,189.42 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.

At the end of June, a prepayment of the 2026/27 Financial Assistance Grant was received, which has significantly increased liquidity. However, it is recommended that the above matter remain a high priority, as this funding will need to be apportioned across the entire financial year.

Interest Received from Cash Investments in July 2026

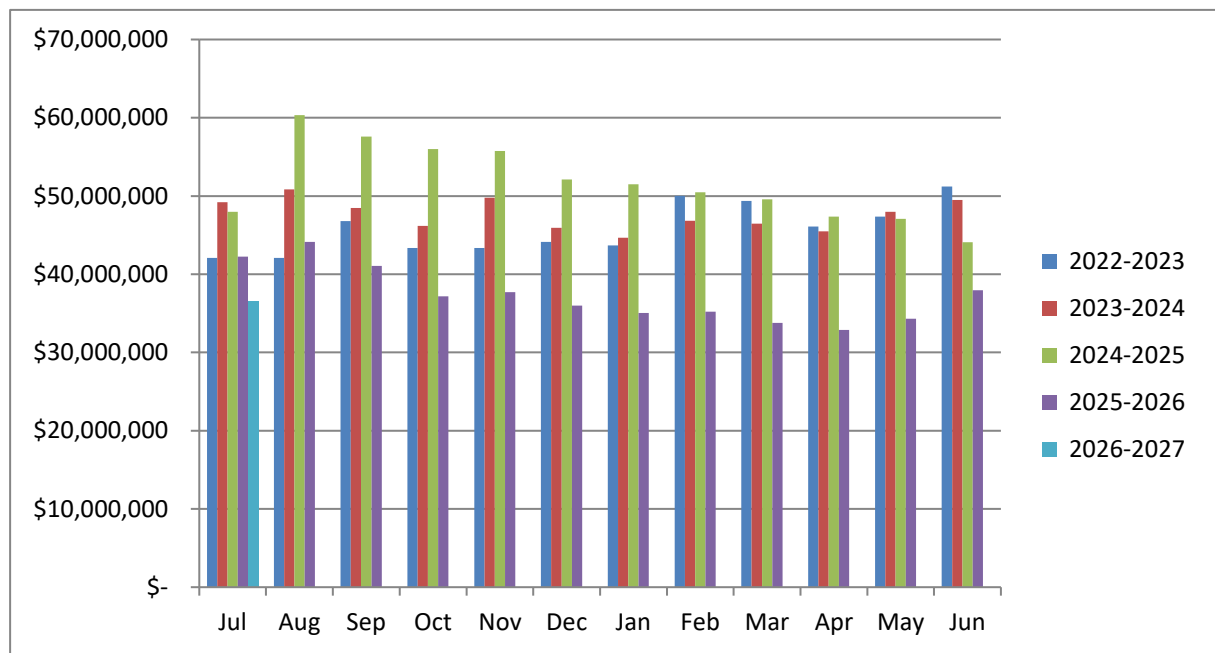
21 deposits matured or provided interest in July earning Council \$95,959.71 in interest. The budget for July is \$115,875.00. Year to date Council has received \$95,959.71 in interest based on cash accounting compared to the original budget of \$1,390,500.00

Expired investments are now shown in the attached report along with a summary of accrued interest.

Restrictions

Internal Restrictions		
- Employee Entitlements	\$2,449,411.00	
- Future Development Reserve	\$0	
- Trust Account	\$1,213,268.35	
- Capital Projects Reserve	\$0	
- Plant Replacement Reserve	\$0	
- Landfill Reserve	\$794,000.00	\$4,456,679.35
External Restrictions		
- Water Fund	\$12,196,168.94	
- Sewer Fund	\$7,697,655.40	
- T-Corp Storm Water Loan Balance	\$2,259,944.00	
- T-Corp Land Loan Balance	\$327,033.60	
- Developer Contributions Reserve	\$1,293,504.40	
- Unexpended Grants	\$3,102,205.99	
- Crown Reserves Reserve	\$222,399.65	
- Prepayments Cemeteries	\$615,051.39	\$27,713,963.37
Day to Day Liquidity		\$4,354,125.80
Total Funds Available		\$36,524,768.52

Total Funds Invested



Summary – Unexpended Grants as at 30 July 2026

Grant	Amount	Expiry
OLG Flood Recovery Grants	\$165,970.85	30/06/2027
Crown Reserve Improvement Fund Astronomy Park	\$377,380.04	30/06/2026
Crown Reserve Improvement Alcheringa Changerooms	\$616,000.00	22/06/2027
Regional Emergency Road Repair Program	\$1,870,643.77	31/10/2027
Drought Resilience	\$72,211.33	30/6/2026
Total	\$3,102,205.99	

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 - July 2026 [1](#)



Wentworth Shire Council

Holdings Report

As At 31st of July, 2026

Important Disclaimer



Disclaimer

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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

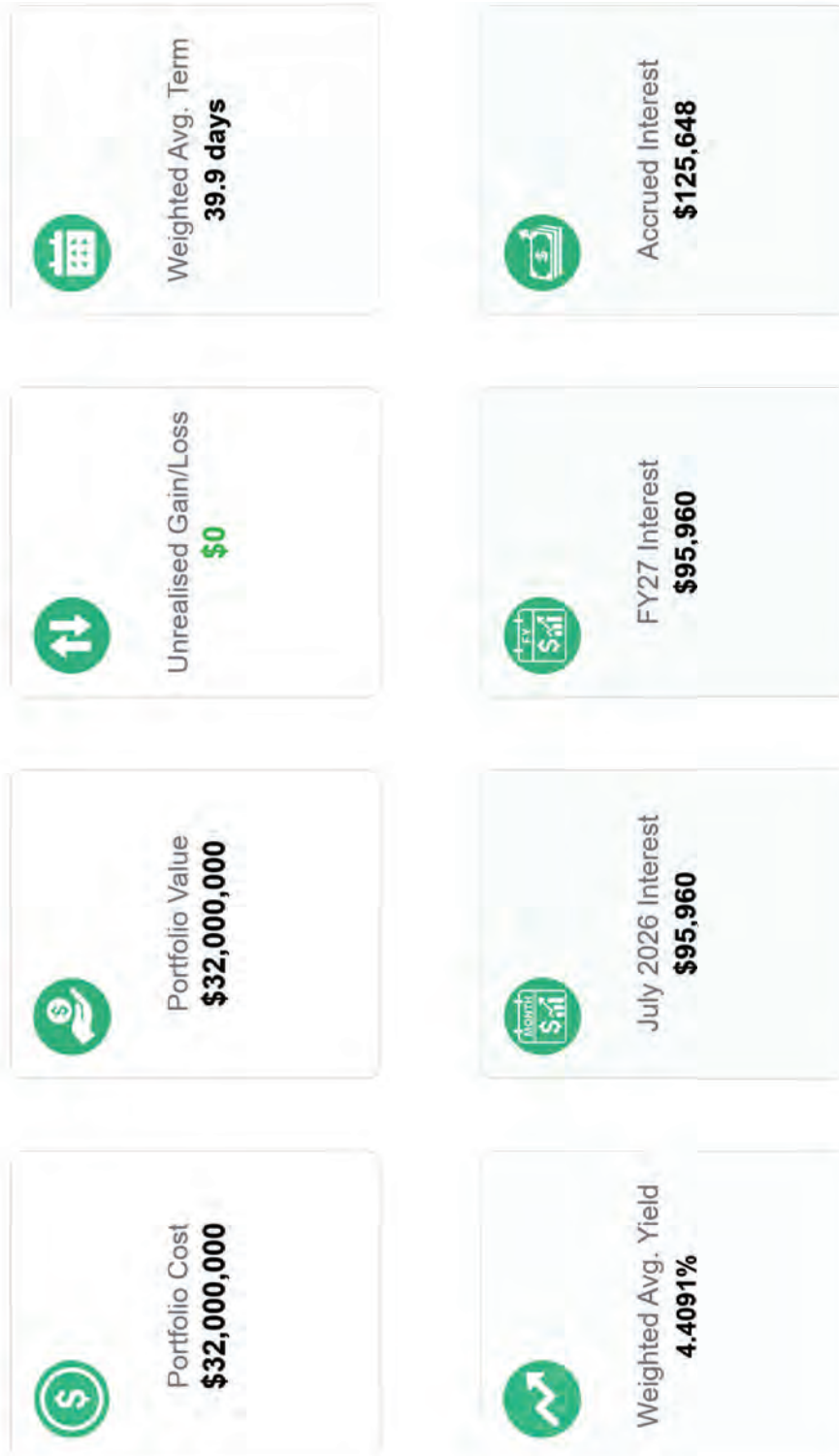
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Suite 1801, Level 18, 1 Bligh St, Sydney, NSW, 2000

Portfolio Performance Dashboard as at 31/07/2026



Portfolio metrics current as of reporting date

Investment Distribution by Value



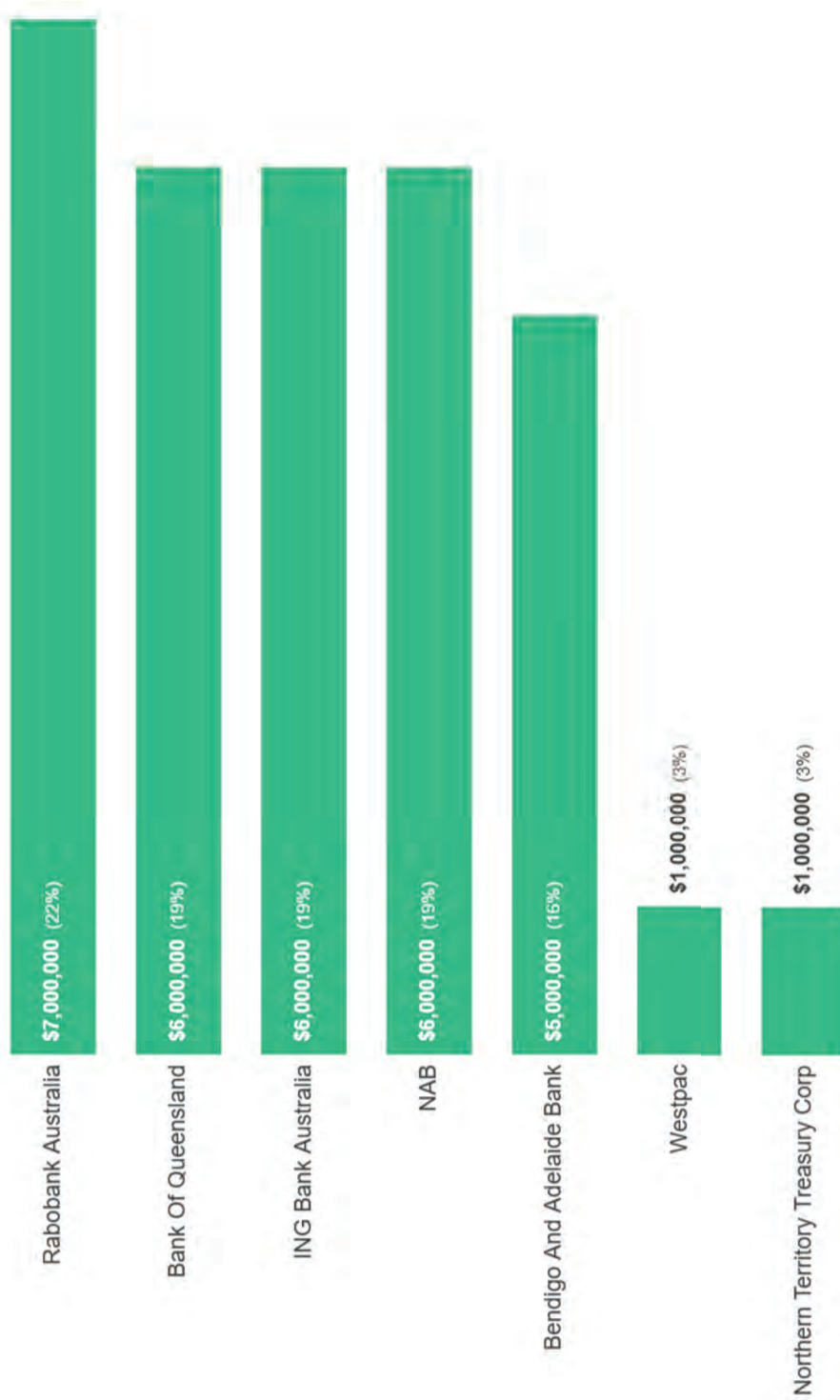
Investments as at 31/07/2026



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.

Investment Distribution by Counterparty



TERM DEPOSITS (32) | Total Consideration (excl. accrued): \$32,000,000

INVESTMENT	INSTITUTION	S&P RATING	CONSID.	SETTLE DATE	TERM	MATURITY	YIELD	INT. FREQ.	INT. ACCRUED	TOTAL INT.	NEXT PMT	FOSSIL STATUS	COMMENTS
CN# 110997 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	29/07/2026	33	31/08/2026	4.4500%	At maturity	Monthly: \$365.75 Total: \$365.75	\$4,023.29	31/08/2026	Not Fossil Free	
CN# 110996 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	29/07/2026	33	31/08/2026	4.4500%	At maturity	Monthly: \$365.75 Total: \$365.75	\$4,023.29	31/08/2026	Not Fossil Free	
CN# 110954 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	27/07/2026	31	27/08/2026	4.3000%	At maturity	Monthly: \$589.04 Total: \$589.04	\$3,652.05	27/08/2026	Fossil Free	
CN# 110953 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	27/07/2026	31	27/08/2026	4.3000%	At maturity	Monthly: \$589.04 Total: \$589.04	\$3,652.05	27/08/2026	Fossil Free	
CN# 110941 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	27/07/2026	31	27/08/2026	4.1000%	At maturity	Monthly: \$561.64 Total: \$561.64	\$3,482.19	27/08/2026	Fossil Free	
CN# 110800 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	20/07/2026	31	20/08/2026	4.2700%	At maturity	Monthly: \$1,403.84 Total: \$1,403.84	\$3,626.58	20/08/2026	Not Fossil Free	
CN# 110795 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	20/07/2026	91	19/10/2026	4.8000%	At maturity	Monthly: \$1,578.08 Total: \$1,578.08	\$11,967.12	19/10/2026	Fossil Free	
CN# 110794 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	20/07/2026	31	20/08/2026	4.4500%	At maturity	Monthly: \$1,483.01 Total: \$1,483.01	\$3,779.45	20/08/2026	Not Fossil Free	
CN# 110722 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	15/07/2026	33	17/08/2026	4.1500%	At maturity	Monthly: \$1,932.88 Total: \$1,932.88	\$3,752.05	17/08/2026	Not Fossil Free	
CN# 110721 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	15/07/2026	33	17/08/2026	4.4500%	At maturity	Monthly: \$2,072.6 Total: \$2,072.6	\$4,023.29	17/08/2026	Not Fossil Free	
CN# 110686 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	13/07/2026	31	13/08/2026	4.1000%	At maturity	Monthly: \$2,134.25 Total: \$2,134.25	\$3,482.19	13/08/2026	Fossil Free	
CN# 110685 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	13/07/2026	31	13/08/2026	4.1000%	At maturity	Monthly: \$2,134.25 Total: \$2,134.25	\$3,482.19	13/08/2026	Fossil Free	
CN# 110683 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	13/07/2026	63	14/09/2026	4.3000%	At maturity	Monthly: \$2,238.36 Total: \$2,238.36	\$7,421.92	14/09/2026	Not Fossil Free	
CN# 110682 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	13/07/2026	31	13/08/2026	4.1600%	At maturity	Monthly: \$2,165.48 Total: \$2,165.48	\$3,533.15	13/08/2026	Not Fossil Free	
CN# 110681 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	13/07/2026	31	13/08/2026	4.1600%	At maturity	Monthly: \$2,165.48 Total: \$2,165.48	\$3,533.15	13/08/2026	Not Fossil Free	
CN# 110676 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	13/07/2026	92	13/10/2026	4.8000%	At maturity	Monthly: \$2,498.63 Total: \$2,498.63	\$12,098.63	13/10/2026	Fossil Free	
CN# 110675 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	13/07/2026	63	14/09/2026	4.6000%	At maturity	Monthly: \$2,394.52 Total: \$2,394.52	\$7,939.73	14/09/2026	Fossil Free	
CN# 110674 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	13/07/2026	31	13/08/2026	4.4500%	At maturity	Monthly: \$2,316.44 Total: \$2,316.44	\$3,779.45	13/08/2026	Not Fossil Free	
CN# 110673 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	13/07/2026	31	13/08/2026	4.4500%	At maturity	Monthly: \$2,316.44 Total: \$2,316.44	\$3,779.45	13/08/2026	Not Fossil Free	
CN# 110667 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	10/07/2026	90	08/10/2026	5.0000%	At maturity	Monthly: \$3,013.7 Total: \$3,013.7	\$12,328.77	08/10/2026	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	COMMENTS
CN# 110171 Wentworth Shire Council	Westpac	A-1+ / AA-	\$1,000,000	23/06/2026	153	23/11/2026	5.0700%	At maturity	Monthly: \$4,306.03 Total: \$5,417.26	\$21,252.33	23/11/2026	Not Fossil Free	
CN# 110162 Wentworth Shire Council	Rabobank Australia	A-1 / A	\$1,000,000	23/06/2026	153	23/11/2026	5.1400%	At maturity	Monthly: \$4,365.48 Total: \$5,492.05	\$21,545.75	23/11/2026	Not Fossil Free	
CN# 110159 Wentworth Shire Council	Bendigo and Adelaide Bank.	A-2 / A-	\$1,000,000	23/06/2026	62	24/08/2026	4.4000%	At maturity	Monthly: \$3,736.99 Total: \$4,701.37	\$7,473.97	24/08/2026	Fossil Free	
CN# 110157 Wentworth Shire Council	Bank of Queensland.	A-2 / A-	\$1,000,000	23/06/2026	62	24/08/2026	4.5500%	At maturity	Monthly: \$3,864.38 Total: \$4,861.64	\$7,728.77	24/08/2026	Fossil Free	
CN# 110155 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	23/06/2026	62	24/08/2026	4.6000%	At maturity	Monthly: \$3,906.85 Total: \$4,915.07	\$7,813.7	24/08/2026	Not Fossil Free	
CN# 110154 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	23/06/2026	62	24/08/2026	4.6000%	At maturity	Monthly: \$3,906.85 Total: \$4,915.07	\$7,813.7	24/08/2026	Not Fossil Free	
CN# 110091 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	18/06/2026	92	18/09/2026	5.0500%	At maturity	Monthly: \$4,289.04 Total: \$6,087.67	\$12,728.77	18/09/2026	Not Fossil Free	
CN# 109920 Wentworth Shire Council	NAB	A-1+ / AA-	\$1,000,000	11/06/2026	61	11/08/2026	4.6000%	At maturity	Monthly: \$3,906.85 Total: \$6,427.4	\$7,687.67	11/08/2026	Not Fossil Free	
CN# 109897 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	10/06/2026	61	10/08/2026	4.3200%	At maturity	Monthly: \$3,669.04 Total: \$6,154.52	\$7,219.73	10/08/2026	Not Fossil Free	
CN# 109896 Wentworth Shire Council	ING Bank (Australia)	A-1 / A	\$1,000,000	10/06/2026	61	10/08/2026	4.3200%	At maturity	Monthly: \$3,669.04 Total: \$6,154.52	\$7,219.73	10/08/2026	Not 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: \$34,520.55	\$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: \$1,701.37	\$70,865.75	16/09/2026	Not Stated	

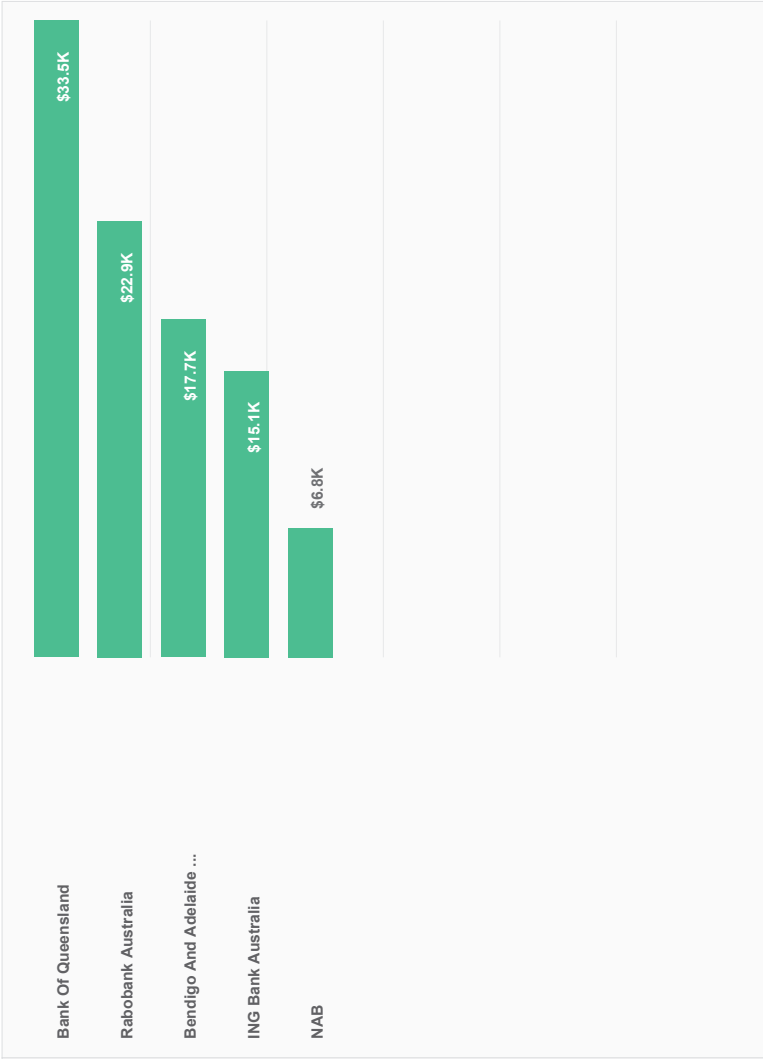
Transaction Activity (01/07/2026 to 31/07/2026)



TRANSACTION TOTALS



INTEREST PAYMENTS BY COUNTERPARTY



Transaction Summaries by Counterparty (01/07/2026 to 31/07/2026)



Investments	
Counterparty	Amount
Rabobank Australia	\$6,000,000
Bendigo And Adelaide...	\$4,000,000
Bank Of Queensland	\$4,000,000
ING Bank Australia	\$4,000,000
NAB	\$2,000,000
TOTAL	\$20,000,000

Maturities	
Counterparty	Amount
Rabobank Australia	\$6,000,000
Bendigo And Adelaide...	\$5,000,000
Bank Of Queensland	\$4,000,000
ING Bank Australia	\$4,000,000
NAB	\$2,000,000
TOTAL	\$21,000,000

Interest Payments	
Counterparty	Amount
Bank Of Queensland	\$33,454.79
Rabobank Australia	\$22,920.55
Bendigo And Adelaide...	\$17,747.95
ING Bank Australia	\$15,055.62
NAB	\$6,780.82
TOTAL	\$95,959.73

Transaction Summaries by Investment Type (01/07/2026 to 31/07/2026)



Investments	
Investment Type	Amount
Term Deposit	\$20,000,000.00
TOTAL	\$20,000,000.00

Maturities	
Investment Type	Amount
Term Deposit	\$21,000,000.00
TOTAL	\$21,000,000.00

Interest Payments	
Investment Type	Amount
Term Deposit	\$95,959.73
TOTAL	\$95,959.73

Portfolio Performance Summary As at 31/07/2026



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 31/7/2026	4.41%	4.41%	4.35%	4.32%	4.50%	10497.057	---	+0.06%	+0.09%	-0.09%	---
1m	4.33%	4.33%	4.35%	4.31%	4.46%	0.00%	0.00%	-0.02%	+0.02%	-0.13%	+4.33%
3m	4.05%	4.05%	4.10%	4.20%	4.37%	0.57%	2.26%	-0.05%	-0.15%	-0.32%	+1.79%
6m	3.64%	3.64%	3.60%	3.68%	3.84%	1.52%	3.07%	+0.04%	-0.04%	-0.20%	+0.57%
12m	4.18%	4.18%	3.85%	3.68%	3.68%	3.38%	3.38%	+0.33%	+0.50%	+0.50%	+0.80%

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.

9.8 QUARTERLY BUDGET REVIEW STATEMENTS

File Number: RPT/26/412

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 June 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 June QBRS provides a comprehensive review of Council's financial performance and budget position for the quarter ended 30 June 2026 noting that it does not reflect all end of year adjustments, 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 August 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 June 2026 Quarterly Budget Review Statement
- b) Approve the required quarterly variations

Detailed Report

Introduction

The purpose of this report is to present the December Quarterly Budget Review Statements as required by Clause 203 of the *Local Government (General) Regulation 2021*.

Report Detail**QBRs Overview**

The Quarterly Budget Review Statement (QBRs) is a key financial management tool required under the Clause 203 of the *Local Government (General) Regulation 2021* and is prepared in accordance with the NSW Office of Local Government (OLG) QBRs Guidelines

The purpose of the QBRs is to:

- Provide a comprehensive quarterly review of Council's financial performance against the adopted and revised budgets
- Ensure Council's operation and capital works programs remain financially sustainable and aligned with the adopted Delivery Program and Operational Plan; and
- Identify and explain any material budget variations, emerging risks or funding pressures that may require corrective action of budget adjustments.

The QBRs supports Council's obligation to manage resources "in a responsible and accountable manner" as required under section 8B of the *Local Government Act 1993* (NSW)

Variance thresholds for detailed explanation have been set at $\pm 10\%$ or \$50,000 which ever is the biggest, in line with Council financial reporting processes.

The QBRs is not only a financial compliance exercise, it provides assurance that the delivery of Council's Operational Plan actions and projects is being achieved within available resources. Through this quarterly review Council can make informed decisions about resource allocation, project timing, or funding priorities.

This QBRs provides assurance that:

- Council's financial performance for the December quarter is being managed with approved budgets;
- Adequate liquidity exists to meet operational and capital commitments; and
- Known risks and variances have been identified, explained and where necessary, addressed through proposed budget adjustments.

QBRS FINANCIAL OVERVIEW													
Wentworth Shire Council													
Budget review for the quarter ended 30/06/2026													
DESCRIPTION		Previous Year Actual 2024/25 \$'000's	Current Year Original Budget 2025/26 \$'000's	Approved Changes		Approved Changes		Approved Changes		Projected Year End [PYE] Result 2025/26 \$'000's	VARIANCE ORIGINAL budget v 2025/26 \$'000's	ACTUAL YTD 2025/26 \$'000's	
				Review Q 1 \$'000's	Review Q 2 \$'000's	Review Q 3 \$'000's	Review Q 4 \$'000's	Revised Budget \$'000's	Recommended changes for council resolution \$'000's				
Net Operating Result before grants and contributions provided for capital purposes	General Fund		15,586	31	1,108	-853		15,872	-200	15,672	86	16,253	
	Water Fund		456	88	76	-235		-71	220	149	61	1,312	
	Sewer Fund		680	703	59	-95		667	610	1,277	574	1,767	
	Consolidated												
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	Consolidated		-4,556	16,377	166	1,108	-1,183	0	16,468	630	721	19,332	
	Total borrowings												
	External restrictions		32,484	28,237	0	0	0		28,237	0	28,237	0	27,413
	Internal Allocations		9,652	8,851	0	0	0		8,851	0	8,851	0	4,457
Liquidity	Unallocated		1,951	2,912	0	0	0		2,912	0	2,912	0	0
	Total Cash, Cash Equivalents and Investments		44,087	40,000	0	0	0	0	40,000	0	40,000	0	31,870
Capital	Capital Funding		40,746	24,245	11,240	1,632	-243		36,874	-1,989	34,885	10,640	27,871
	Capital Expenditure		40,746	24,245	11,240	1,632	-243		36,874	-1,989	34,885	10,640	27,871
	Net Capital		0	0	0	0	0	0	0	0	0	0	0
		Opening Balance As at 1 July 2025 \$'000's	Total Cash Contributions As at this Q \$'000's	Total Interest Earned As at this Q \$'000's	Total Expended As at this Q \$'000's	Total Internal Borrowing As at this Q \$'000's	Held as Restricted Asset As at this Q \$'000's	Cumulative balance of internal borrowings (to)/from As at this Q \$'000's					
Developer Contribution	Total Developer Contributions	1,288	46	0	0	0	1,334	0					

Operating Performance (Income & Expenditure Statement)

The Operating Performance Statement provides a summary of Council's financial results for the quarter and year-to-date compared with the adopted and revised budgets. It highlights whether Council is tracking in line with expected revenue and expenditure levels and identifies the key drivers of any material variances

The operating result reflects Council's performance from ordinary activities, that is income less operating expenditure, excluding capital grants and contributions. It is a key indicator of financial sustainability, showing whether Council is generating sufficient revenue to fund its ongoing operations.

Income and Expenses Budget Review Statement Wentworth Shire Council Budget review for the quarter ended 30/06/2026											
Consolidated Fund											
Description	Previous Year Actual 2024/25 \$'000's	Current Year Original Budget 2025/26 \$'000's	Approved Changes Review Q 1 \$'000's	Approved Changes Review Q 2 \$'000's	Approved Changes Review Q 3 \$'000's	Approved Changes Review Q 4 \$'000's	Revised Budget \$'000's	Recommended changes for council resolution \$'000's	Projected Year End (PYE) Result 2025/26 \$'000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$'000's	ACTUAL YTD 2025/26 \$'000's
INCOME											
Rates and Annual Charges	11,076	11,640	206		346		12,192	59	12,251	611	11,880
User Charges and Fees	11,498	12,923					12,923	0	12,923		11,037
Other Revenue	1,863	1,959					1,959	0	1,959		2,361
Grants and Contributions - Operating	8,586	12,410		584			12,994	0	12,994	584	14,605
Grants and Contributions - Capital	21,813	8,134	2,445	85	-1,461		9,203	502	9,705	1,571	5,256
Interest and Investment Income	2,631	2,281			-736		1,545	0	1,545		1,471
Other Income	53			890			890	0	890	890	17
Net gain from disposal of assets		100					100		100		
Total Income from continuing operations	57,520	49,447	2,651	1,559	-1,851	0	51,806	561	52,367	2,920	46,627
EXPENSES											
Employee benefits and on-costs	11,433	10,192			550		10,742	0	10,192	0	12,199
Materials & Services	13,296	10,857	26	1,031	243		12,157	200	12,114	1,257	13,033
Borrowing Costs	1,340	1,282					1,282	0	1,282	0	813
Other Expenses	958	668	14				682	0	682	14	598
Net Loss from Disposal of Assets	1,223						0	0	0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	28,250	22,989	40	1,031	793	0	24,863	200	24,270	1,271	26,643
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	29,270	26,448	2,611	528	-2,644	0	26,943	361	28,097	1,649	19,984
Depreciation, amortisation and impairment of non financial assets	12,004	10,083					10,083	0	10,083		10,083
Operating result from continuing Operations	17,266	16,365	2,611	528	-2,644	0	16,860	361	18,014	1,649	9,901
Net Operating Result before grants and contributions provided for capital purposes	-4,547	8,231	166	443	-1,183	0	7,657	-141	8,309	78	4,645
Notes Original Budget +/- approved budget changes in previous quarters = REVISED Budget Revised Budget +/- recommended changes this quarter = PROJECTED year results The quarterly recommended changes to the revised budget are to include: 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan 2) any impacts of year to date expenditure on recommended changes to budget Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information. The narrative is important in understanding why budget changes are necessary.											

Key Revenue for the quarter includes:

- Financial Assistance Grant Pre-Payment \$6,786,344
- Landfill Revenue \$2,138,128
- Crown Reserve Improvement Fund Grant \$616,000

Total operating revenue recognised year to date is \$46,627 million, representing 90% of the revised budget.

Key Operating Expenditure for the quarter includes:

- State Highways RMCC - \$1,424,365
- Roads to Recovery Program - \$700,024
- Landfill Operating Expenditure - \$522,979

Total operating expenditure year to date is \$26,643 million, equating to 107% of the revised budget. This is expected to fall to below the budgeted \$24,863 after year-end adjustments.

Material income and expenditure variations identified during June quarter are summarised below. These represent the key movements that have a material impact on Council's operating result for the period.

Income

- \$59,000 Increase in Annual Rates and Charges – due to additional development rated during the year
- \$269,000 Increase in investment income for Water and Sewer funds due to reallocation of interest as part of year-end adjustments.
- \$269,000 decrease in investment income for the General fund due to disbursement of revenue to the water and sewer funds.
- \$502,000 Increase in Sewer Capital Contributions – due to increased developer contributions over the financial year.

Expenditure

- \$200,000 Increase in materials and Services – Due to an increase in consultancy expenses for the planning consultants approved by council in the May 2026 meeting.

For transparency, all identified budget variations, including those below the materiality threshold, are detailed in final page of the attached Q4 QBRs Report.

Reporting by Fund

In accordance with the Quarterly Budget Review Statement Guidelines, Council is required to present operating performance results by fund. This means separate reporting for:

- General Fund – covering Council's core operating, including governance, community services, roads, parks, waste and regulatory services
- Water Fund – Reporting all income and expenditure associated with water supply services; and
- Sewer Fund – covering operation and maintenance of Council's wastewater systems and associated infrastructure.

Each fund is required to be financially self-sustaining, this separation ensures:

- Transparency in how each activity is funded and operated;
- Compliance with restrictions on the use of water and sewer funds;
- Accurate reflection of service performance; and

- Clear accountability to ratepayers and regulators for cost recovery and pricing compliance.

Accordingly, the Income and Expenditure Statement in the QBRs presents a consolidated view of Council's financial performance and individual fund statements showing the operating results for each fun. This enables Council and the community to see how each business areas contributes to or draws upon the organisations overall financial position.

General Fund

Income and Expenses Budget Review Statement											
Wentworth Shire Council											
Budget review for the quarter ended 30/6/2026											
General Fund											
Description	Previous Year	Current Year	Approved Changes	Approved Changes	Approved Changes	Approved Changes	Revised	Recommended	Projected	VARIANCE	ACTUAL
	Actual 2024/25 \$000's	Budget 2025/26 \$000's	Review Q 1 \$000's	Review Q 2 \$000's	Review Q 3 \$000's	Review Q 4 \$000's	Budget \$000's	for council resolution \$000's	Year End (PYE) Result 2025/26 \$000's	ORIGINAL budget v PYE 2025/26 \$000's	YTD 2025/26 \$000's
INCOME											
Rates and Annual Charges	7,408	7,885	45		346		8,276		8,276	391	7,904
User Charges and Fees	9,656	11,651					11,651		11,651	0	9,762
Other Revenue	1,853	1,853		890			2,743		2,743	890	2,361
Grants and Contributions - Operating	8,552	12,376		584			12,960		12,960	584	14,571
Grants and Contributions - Capital	18,780	8,134	2,445	85	-1,461		9,203		9,203	1,069	4,604
Interest and Investment Income	1,671	1,553			-486		1,067	-269	798	-755	639
Other Income	53						0	0	0	0	
Net gain from disposal of assets		100					100		100	0	
Total Income from continuing operations	47,973	43,552	2,490	1,559	-1,601	0	46,000	-268	45,731	2,179	39,841
EXPENSES											
Employee benefits and on-costs	10,433	9,155			470		9,625		9,625	470	11,237
Materials & Services	11,201	8,735		366	243		9,344	200	9,544	809	10,948
Borrowing Costs	1,331	1,274					1,274		1,274	0	805
Other Expenses	831	668	14				682		682	14	598
Net Loss from Disposal of Assets	1,223								0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	25,019	19,832	14	366	713	0	20,925	200	21,125	1,293	23,588
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets											
	22,954	23,720	2,476	1,193	-2,314	0	25,075	-469	24,606	886	16,253
Depreciation, amortisation and impairment of non financial assets	9,866	8,140					8,140		8,140		8,140
Operating result from continuing Operations	13,088	15,580	2,476	1,193	-2,314	0	16,935	-469	16,466	886	8,113
Net Operating Result before grants and contributions provided for capital purposes	-5,592	7,446	31	1,108	-853	0	7,732	-469	7,263	-183	3,509

Water Fund

Income and Expenses Budget Review Statement Wentworth Shire Council Budget review for the quarter ended 30/6/2026 Water Fund											
Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q1 \$000's	Approved Changes Review Q2 \$000's	Approved Changes Review Q3 \$000's	Approved Changes Review Q4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PVE) Result 2025/26 \$000's	Variance ORIGINAL budget v PVE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME											
Access Charges	1,599	1,635	84				1,719	30	1,749	-114	1,750
User Charges	1,842	1,272					1,272		1,272	0	1,275
Fees	0									0	
Grants & Contributions - Operating	18	18					18		18	0	18
Interest and Investment Income	611	515			-177		338	190	528	-13	508
Other Income	1									0	10
Net gain from disposal of assets										0	
Total Income from continuing operations	4,071	3,440	84	0	-177	0	3,347	220	3,567	-127	3,561
EXPENSES											
Employee benefits and on-costs	775	802			58		860		802	58	742
Materials & Services	1,633	1,539	8				1,547		1,547	-8	1,507
Borrowing Costs										0	
Water purchase charges										0	
Calculated taxation equivalents										0	
Debit guarantee fee										0	
Other Expenses	70									0	
Net Loss from Disposal of Assets										0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	2,478	2,341	8	0	58	0	2,407	0	2,349	50	2,249
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets											
Depreciation, amortisation and impairment of non financial assets	1,593	1,099	76	0	-235	0	940	220	1,218	119	1,312
Surplus / (Deficit) from continuing operations before capital amounts	1,137	1,011					1,011		1,011		1,011
Grants and Contributions - Capital	456	88	76	0	-235	0	-74	220	207	119	301
Surplus / (Deficit) from continuing operations after capital amounts	1,849										150
	2,305	88	76	0	-235	0	-74	220	207	119	451

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget
Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Sewer Fund

Income and Expenses Budget Review Statement Wentworth Shire Council Budget review for the quarter ended 30/6/2026 Sewer Fund											
Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Approved Changes Review Q 4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PVE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PVE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME											
Access charges	2,069	2,120	77				2,197	29	2,226	106	2,226
User charges										0	
Liquid trade-waste charges										0	
Fees										0	
Grants and contributions - Operating	16	16					16		16	0	16
Interest and Investment Income	349	219			-73		146	79	225	6	324
Other Income		106					106		106	0	7
Net gain from disposal of assets										0	
Total Income from continuing operations	2,434	2,461	77	0	-73	0	2,465	108	2,573	112	2,573
EXPENSES											
Employee benefits and on-costs	225	233			22		255		233	0	220
Materials & Services	462	585	18				603		603	18	578
Borrowing Costs	9	8					8		8	0	8
Calculated taxation equivalents										0	
Debt Guarantee fee										0	
Other Expenses	57									0	
Net Loss from Disposal of Assets										0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	753	826	18	0	22	0	866	0	844	18	806
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	1,681	1,635	59	0	-95	0	1,599	108	1,729	94	1,767
Depreciation, amortisation and impairment of non financial assets	1,001	932					932		932		932
Surplus / (Deficit) from continuing operations before capital amounts	680	703	59	0	-95	0	667	108	797	94	835
Grants and Contributions - Capital	1,184							502			502
Surplus / (Deficit) from continuing operations after capital amounts	1,864	703	59	0	-95	0	667	610	797	94	1,337

Notes:

Original Budget +/- approved budget changes in previous quarters = REVISED Budget
Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.
The narrative is important in understanding why budget changes are necessary.

When interpreting the operating results by fund:

- The General Fund operating result is the primary indicator of Council's ongoing financial sustainability, as it underpins most community services and discretionary spending
- The Water and Sewer funds are typically cost-recovery operating – surpluses are usually retained within those funds for future capital renewals or to maintain pricing stability.
-
- Transfers between funds are restricted and can only occur where allowed by specific legislative provisions.

Any recommended budget adjustments that impact one fund only are reflected within that fund's revised budget and do not alter the financial position of other funds.

Capital Works and Funding Statement

The Capital Works and Funding Statement outlines the progress of Council's capital program for the financial year, including performance against the adopted and revised budgets, sources of project funding and any proposed rephasing or budget adjustments

Capital works represent a major component of Council's overall expenditure and are critical for delivering the objectives of the Operational Plan. The program includes infrastructure renewal, new asset creation, upgrades, and asset replacements across key service areas such as roads, drainage, building, community facilities, fleet and water & sewer.

The statement enables Council to assess whether projects are being delivered on time, on budget, and funded sustainably, and to identify any emerging risks or timing issues that may require budget adjustments.

Capital Budget Review Statement Wentworth Shire Council Budget review for the quarter ended 30/06/2026													
Description	Previous Year	Current Year	Approved Changes		Approved Changes		Approved Changes		Revised Budget	Recommended changes for council resolution	Projected Year End (PYE) Result	VARIANCE ORIGINAL budget v PYE	ACTUAL YTD
	Actual	Original Budget	Review	Q 1	Review	Q 2	Review	Q 3					
	2024/25 \$000's	2025/26 \$000's			\$000's		\$000's		\$000's		2025/26 \$000's	2025/26 \$000's	2025/26 \$000's
CAPITAL FUNDING													
Rates & other unfund funding	11,051	11,640		1,716		409	-243		13,522	-665	12,857	1,217	11,916
Capital Grants & Contributions	21,813	7,808		2,445		124			10,377	-559	9,818	2,010	8,321
Reserves - External Restrictions	238	4,197		7,079		434			11,710	-765	10,945	6,748	5,294
Reserves - Internally Allocated									0				
New Loans	7,296								0				1,000
Proceeds from sale of assets	348	600							600		600		675
Other - specify						665			665		665	665	665
Total Capital Funding	40,746	24,245		11,240		1,632	-243	0	36,874	-1,989	34,885	10,640	27,871
CAPITAL EXPENDITURE													
WIP	11,532								0				
New Assets	13,245	9,503		3,013		681	-243		12,954	-328	12,626	3,123	16,314
Asset Renewal	15,969	13,185		8,227		951			22,363	-1,661	20,702	7,517	10,024
Loan Repayments		1,557							1,557		1,557		1,533
Total Capital Expenditure	40,746	24,245		11,240		1,632	-243	0	36,874	-1,989	34,885	10,640	27,871
Net Capital Funding - Surplus / (Deficit)	0	0		0		0	0	0	0	0	0	0	0

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget
Revised Budget +/- recommended changes this quarter = PROJECTED year results

Where the Total Capital Funding and the Total Capital Expenditure values do not match an explanation is to be provided.

Carry over funding from previous year should be identified and any proposed carry forwards into next financial year are to be explained.

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

During the June quarter, the following Capital expenditure occurred:

- FOSO Construction \$885,596
- Road Capital Works \$886,645
- Loan Repayments \$327,783

As at 30 June, total capital expenditure year to date was \$27,871 million, representing 76% of the revised annual budget.

Material capital expenditure variations identified during the June quarter are summarised below.

- - \$1,989,000 to be carried forward to the 2026 / 2027 Financial Year

For transparency, all identified budget variations, including those below the materiality threshold, are detailed in final page of the attached Q4 QBRs Report.

Cash and Investment Statement

The Cash and Investment Statement provides a summary of Council's liquidity position as at 30 June and confirms Council's compliance with legislative and policy requirements governing the investment of public funds.

At 30 June Council held total cash and investments of \$37,943 million. Council's total cash and investments are held across the following fund categories in according with legislative requirements.

Cash and Investments Budget Review Statement											
Wentworth Shire Council											
Budget review for the quarter ended 30/6/2026											
Description	Previous Year	Current Year	Approved	Approved	Approved	Approved	Revised	Recommended	Projected	Variance	Actual
	Actual 2024/25 \$'000's	Original Budget 2025/26 \$'000's	Changes Review Q 1 \$'000's	Changes Review Q 2 \$'000's	Changes Review Q 3 \$'000's	Changes Review Q 4 \$'000's	Budget \$'000's	for council resolution Q1 \$'000's	Year End (PYE) Result 2025/26 \$'000's	ORIGINAL budget v PYE 2025/26 \$'000's	YTD 2025/26 \$'000's
Total Cash, Cash Equivalents & Investments	44,087	40,000							40,000	0	37,943
EXTERNALLY RESTRICTED											
Water Fund	11,813	11,813							11,813	0	11,640
Sewer Fund	6,812	6,812							6,812	0	7,486
T-Corp Stormwater Upgrades	6,964	6,964							6,964	0	2,260
T-Corp Land Purchases	0	0							327	0	327
Developer Contribution Reserve	1,288	1,338							1,338	0	1,335
Unexpended Grants	5,379	492							492	0	3,532
Crown Reserves Reserve	228	228							228	0	222
Prepayments Cemeteries	587	590							590	0	611
Other External Reserves											
Total Externally Restricted	33,071	28,237	0	0	0	0	0	0	28,564	327	27,413
Cash, cash equivalents & investments not subject to external restrictions	11,016	11,763	0	0	0	0	0	0	11,436	-327	10,530
INTERNAL ALLOCATIONS											
Employee Entitlements	2,449	2,449							2,449	0	2,449
Doubtful Debts	0	0							0		0
Future Development Reserve	576	576							576		0
Trust Account	1,145	1,145							1,145		1,213
Capital Projects	794	1,000							1,000	0	0
Plant Replacement Reserve		1,500							1,500	0	0
Advanced Financial Assistance Grant Payment	4,101	0							0		
Landfill Reserve	0	0							794	0	794
Total Internally Allocated	9,065	6,670	0	0	0	0	0	0	6,670	0	3,662
Unallocated	1,951	5,093	0	0	0	0	0	0	4,766	-327	6,868

External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.
Internal Allocations - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

While Council remains in a position to meet its operational commitments, the reduction in available unrestricted cash has implications for short-term financial capacity.

Internally restricted funds have, on a temporary basis, been utilised to support operational cash flow. These funds are designated for specific purposes and will need to be progressively replenished to ensure Council can meet its future obligations and planned works program.

As a result:

Council's working capital position is tighter than in previous reporting periods

The reduction in available unrestricted cash has limited the buffer traditionally available to manage timing differences between income and expenditure. While Council remains able to meet its current obligations there is less capacity to absorb fluctuations in cash flow, requiring closer monitoring and more active management of available funds.

Capacity to fund unplanned or additional expenditure outside the adopted budget is limited

With reduced financial flexibility, Council has a diminished ability to respond to unforeseen costs, emergent operational requirements, or new opportunities that arise during the financial year. Any additional expenditure would need to be carefully assessed and, where necessary, offset through reprioritisation of existing budgets or identification of alternative funding sources.

Greater reliance is placed on maintaining budget discipline and prioritising essential expenditure

In the current environment, strict adherence to the adopted budget is critical. Expenditure decisions must closely align with Council's core service delivery obligations and critical infrastructure requirement, with non-essential activities subject to increased scrutiny.

In this context, it is important that Council continues to manage expenditure in accordance with the adopted budget and applies a disciplined and considered approach to any budget variations or new funding requests. This will support the preservation of financial stability and assist in the gradual rebuilding of unrestricted cash reserves over time.

To address these risks and strengthen Council's financial position, a measured and conservative approach will be adopted over the next 12-24 months, including:

Maintaining strict adherence to adopted budgets

Council will focus on delivering activities within the approved Operational Plan and Budget, with any variations subject to rigorous assessment and approval processes. This will ensure that expenditure remains controlled and aligned with planned priorities, reducing the risk of further pressure on cash reserves.

Prioritising essential operational and capital expenditure

Available resources will be directed toward core service delivery, statutory obligations, and critical infrastructure requirements. This approach ensures that Council continues to meet community expectations and maintain asset performance, while deferring lower-priority activities where appropriate.

Limiting discretionary spending and non-essential funding commitments

Expenditure that falls outside of essential services or approved programs will be carefully scrutinised. Requests for financial assistance, new initiatives, or expanded service levels will only be considered where a clear funding source is identified and where they do not compromise Council's financial position.

Monitoring cash flow and reserve balances through regular reporting

Council will continue to closely monitor its financial position through monthly and quarterly reporting processes, including cash flow forecasting and reserve tracking. This will enable timely identification of emerging pressures and support informed decision-making.

Progressively rebuilding internally restricted and unrestricted cash reserves where possible

A key focus will be on restoring reserve balances over time. This will be achieved through disciplined financial management, controlling expenditure, and where possible, generating operating surpluses. Rebuilding these reserves is critical to improving financial flexibility, supporting future capital programs, and strengthening Council's overall financial resilience.

Developer Contributions

Under the revised guidelines, Council is now required to provide quarterly reporting on developer contributions. This requirement aims to enhance transparency and accountability in the collection, restriction and application of infrastructure funding received under the *Environmental Planning & Assessment Act 1979* (NSW). Developer Contributions represent funds collected from developers to provide public infrastructure and services required to support new development.

The QBRS must now disclose:

- Total developer contributions received during the financial year to date;
- Expenditure of developer contributions, showing application to capital works or other eligible infrastructure projects;
- Opening and closing balances of contribution reserves; and
- Any material adjustments or reclassifications impacting developer contribution funds.

This reporting provides Council, the community, and oversight bodies with assurance that contributions are collected, restricted, and spent in accordance with adopted Contribution Plans.

Developer Contributions Summary Wentworth Shire Council Budget review for the quarter ended 30/06/2026							
Purpose	Opening Balance As at 1 July 2025 \$000's	Developer Contributions Received				Held as Restricted Asset As at this Q \$000's	Cumulative balance of internal borrowings (to)/from As at this Q \$000's
		Cash Q1 \$000's	Cash Q2 \$000's	Cash Q3 \$000's	Cash Q4 \$000's		
Drainage	835	3	0	1		839	
Roads						0	
Traffic facilities						0	
Parking						0	
Open space	453	1	25	4	12	495	
Community facilities						0	
Other						0	
Total S7.11 Under plans	1,288	4	25	5	12	1,334	0
S7.11 Not under plans						0	
S7.12 Levies						0	
S7.4 Planning agreements						0	
S64 Contributions						0	
Other						0	
Total Developer Contributions	1,288	4	25	5	12	1,334	0

Notes

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occurs when council gains control over the asset (cash or non cash).

Councils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4, s7.11 and s7.12 of the *Environmental Planning and Assessment Act 1979*.

Developer contributions may only be expended for the purpose for which the contributions were required, however council may apply contributions according to the priorities established in work schedules for the contribution plan.

'Amounts Expended' only includes monetary expenditure. The result should be a positive and not negative result.

Additional Reporting

Key Performance Indicators

While the new guidelines no longer require the reporting of financial performance indicators, Council recognises the importance of maintaining visibility over its long-term financial sustainability. At this stage, Council's priority is to bed down the requirements of the revised guidelines.

This change forms part of the OLG's broader review of the financial and sustainability performance indicators used across the local government sector. The review aims to ensure that any future KPI framework better reflects sector priorities, provides consistent measures of financial sustainability, and reduces duplication across various statutory reporting requirements.

Once the reporting framework is well established and acknowledging that the OLG's review may take some time, Council will look to reintroduce the previous suite of KPI's in future quarterly reports to maintain continuity and transparency.

It is anticipated that the OLG will issue further guidance on the new or revised KPI framework once the review is completed.

Quarterly Project Reporting

While not a formal requirement of the quarterly budget review statements, the following section has been prepared to support project reporting to Council for the third quarter of the financial year. It provides an overview of projects exceeding \$250,000 in value, including current progress, financial performance, any budget variations, and key risks that have been identified or encountered. Individual project tracking sheets can be found in attachment B with more detailed information.

This reporting provides Council with an overview of the progress and financial status of capital projects captured under the project reporting framework for the period ending 30 June 2026. A total of 7 projects met the reporting requirements during the quarter.

Overall, the majority of projects are progressing in line with approved scope, budget and timeframes. Where variations or delivery challenges have arisen, these have been identified and managed through Council's project governance processes, with explanatory commentary provided within this report.

Summary of Project Status

The summary below provides a high-level snapshot of the delivery status of Council's major capital projects for the reporting quarter. Further detail on individual projects including financial performance and explanatory commentary, is provided in the detailed project reporting attachment.

Status Category	Number of Projects	Notes
On Track	4	Tracking to scope, budget and schedule
At Risk	0	Emerging risks may impact delivery
Delayed	1	Schedule delay requiring reforecast or intervention
Completed	2	Project now completed

Two projects were completed during the reporting period.

The following table provides a consolidated overview of all the capital projects captured under the reporting threshold for the quarter.

Project	Original Budget	Total Variations	Revised Budget	Total Expenditure	Status
Wentworth Rowing Club	\$469,000	\$0	\$469,000	\$226,871.38	On Track
Ski Reserve Rehabilitation	\$679,316	\$0	\$679,316	\$216,924.17	Delayed
Sewer Main Relining	\$1,000,000	\$0	\$1,000,000	\$628,353.11	On Track
FOSO	\$8,542,588	\$0	\$8,542,588	\$8,856,336	Complete
Gol Gol WTP	\$250,000	\$0	\$250,000	\$216,478.34	Complete
Milpara Rd/Tara Downs Crossing	\$765,721	\$0	\$765,721	\$40,599.37	On Track
Dareton EDS upgrade	\$1,450,000	\$0	\$1,450,000	\$20,944.03	On Track

Variation for Noting

FOSO

As reported last quarter, variations to the project end date have stemmed from significant rain fall at the end of February that made access to the site impossible and minimal construction could take place for a period of two weeks. The site has since been completed and opened. Additional spending on the project has happened due to changes in scope of works for the lead contractor Jointly.

Conclusion

As Council's Responsible Accounting Officer, I certify that the quarterly budget review statement for the quarter end 30 June has been prepared in accordance with the *Local Government (General) Regulation 2021* and the OLG QBRS Guidelines, and that the revised estimated financial position, together with the recommended amendments, are supported by the information in this report.

As required by the guidelines, once this report has been presented to the May Council Meeting, a copy of the report and all related attachments will be made publicly available on Council's website to ensure ongoing transparency and accountability.

Attachments

1. QBRS 2025-26 Q4 Report [📄](#)
2. Projects 2025-26 Q4 Report [📄](#)

Office of Local Government
QBRs 25-26 Quarter 4

Return to: qbrs@olg.nsw.gov.au in Excel format

Due Date: 30 June 2026

Council Name:
Quarter end:

Wentworth Shire Council
30/06/2026

Contact Name:
Contact Phone:
Contact Email:

Simon Rule
03 5027 5027
simon.rule@wentworth.nsw.gov.au

Comments on Return:

Note: to insert line breaks in comment box, press
Alt-Enter.

Only WHITE cells need to be populated
DO NOT ENTER N/A into Cells - leave blank if no data
Questions relating to this return should be directed to:
Office of Local Government

Performance Team

(02) 4428 4100

QBRS FINANCIAL OVERVIEW Wentworth Shire Council Budget review for the quarter ended 30/06/2026														
DESCRIPTION	Previous Year		Current Year Original		Approved Changes		Approved Changes		Approved Changes		Revised		VARIANCE ORIGINAL budget v P/E 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
	Actual 2024/25 \$000's	Budget 2025/26 \$000's	Review Q 1 \$000's	Review Q 2 \$000's	Review Q 3 \$000's	Review Q 4 \$000's	Budget \$000's	for council resolution \$000's	Projected Year End (P/E) Result 2025/26 \$000's					
Net Operating Result before grants and contributions provided for capital purposes	General Fund	-5,692	15,586	31	1,108	-853		15,872	-200	15,672	86	16,253		
	Water Fund	456	88	76		-235		-71	220	149	61	1,312		
	Sewer Fund	680	703	59		-95		667	610	1,277	574	1,767		
	Consolidated													
Operating Result from continuing operations (with capital grants and contributions) excluding depreciation, amortisation and impairment of non financial assets	Consolidated	-4,556	16,377	166	1,108	-1,183	0	16,468	630	17,098	721	19,332		
	Total borrowings													
	External restrictions	32,484	28,237	0	0	0	0	28,237	0	28,237	0	27,413		
	Internal Allocations	9,652	8,851	0	0	0	0	8,851	0	8,851	0	4,457		
Liquidity	Unallocated	1,951	2,912	0	0	0	0	2,912	0	2,912	0	0		
	Total Cash, Cash Equivalents and Investments	44,087	40,000	0	0	0	0	40,000	0	40,000	0	31,870		
Capital	Capital Funding	40,746	24,245	11,240	1,632	-243		36,874	-1,989	34,885	10,640	27,871		
	Capital Expenditure	40,746	24,245	11,240	1,632	-243		36,874	-1,989	34,885	10,640	27,871		
	Net Capital	0	0	0	0	0	0	0	0	0	0	0		
Developer Contributions	Opening Balance	1,288	46	0	0	0								
	As at 1 July 2025 \$000's			As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's	As at this Q \$000's		
	Total Developer Contributions			0	0	0								
Cumulative balance of internal borrowings (to)/from														

Income and Expenses Budget Review Statement
Wentworth Shire Council
Budget review for the quarter ended 30/06/2026

Consolidated Fund

Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Approved Changes Review Q 4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PYE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME											
Rates and Annual Charges	11,076	11,640	206				12,192	59	12,251	611	11,880
User Charges and Fees	11,498	12,923					12,923	0	12,923		11,037
Other Revenue	1,863	1,959					1,959	0	1,959		2,361
Grants and Contributions - Operating	8,586	12,410		584			12,994	0	12,994	584	14,605
Grants and Contributions - Capital	21,813	8,134	2,445	85	-1,461		9,203	502	9,705	1,571	5,256
Interest and Investment Income	2,631	2,281			-736		1,545	0	1,545		1,471
Other Income	53			890			890	0	890	890	17
Net gain from disposal of assets		100					100		100		
Total Income from continuing operations	57,520	49,447	2,651	1,559	-1,851	0	51,806	561	52,367	2,920	46,627
EXPENSES											
Employee benefits and on-costs	11,433	10,192			550		10,742	0	10,192	0	12,199
Materials & Services	13,296	10,857	26	1,031	243		12,157	200	12,114	1,257	13,033
Borrowing Costs	1,340	1,282					1,282	0	1,282	0	813
Other Expenses	958	668	14				682	0	682	14	598
Net Loss from Disposal of Assets	1,223						0	0		0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	28,250	22,999	40	1,031	793	0	24,863	200	24,270	1,271	26,643
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	29,270	26,448	2,611	528	-2,644	0	26,943	361	28,097	1,649	19,984
Depreciation, amortisation and impairment of non financial assets	12,004	10,083					10,083	0	10,083		10,083
Operating result from continuing Operations	17,266	16,365	2,611	528	-2,644	0	16,860	361	18,014	1,649	9,901
Net Operating Result before grants and contributions provided for capital purposes	-4,547	8,231	166	443	-1,183	0	7,657	-141	8,309	78	4,645

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget
Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement
Wentworth Shire Council
Budget review for the quarter ended 30/6/2026
General Fund

Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Approved Changes Review Q 4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PYE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME											
Rates and Annual Charges	7,408	7,885	45		346		8,276		8,276	391	7,904
User Charges and Fees	9,656	11,651					11,651		11,651	0	9,762
Other Revenue	1,853	1,853		890			2,743		2,743	890	2,361
Grants and Contributions - Operating	8,552	12,376		584			12,960		12,960	584	14,571
Grants and Contributions - Capital	18,780	8,134	2,445	85	-1,461		9,203		9,203	1,069	4,604
Interest and Investment Income	1,671	1,553			-486		1,067	-269	798	-755	639
Other Income	53						0		0	0	
Net gain from disposal of assets		100					100		100	0	
Total Income from continuing operations	47,973	43,552	2,490	1,559	-1,601	0	46,000	-269	45,731	2,179	39,841
EXPENSES											
Employee benefits and on-costs	10,433	9,155			470		9,625		9,625	470	11,237
Materials & Services	11,201	8,735		366	243		9,344	200	9,544	809	10,948
Borrowing Costs	1,331	1,274					1,274		1,274	0	805
Other Expenses	831	668	14				682		682	14	598
Net Loss from Disposal of Assets	1,223								0	0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	25,019	19,832	14	366	713	0	20,925	200	21,125	1,293	23,588
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	22,954	23,720	2,476	1,193	-2,314	0	25,075	-469	24,606	886	16,253
Depreciation, amortisation and impairment of non financial assets	9,866	8,140					8,140		8,140		8,140
Operating result from continuing Operations	13,088	15,580	2,476	1,193	-2,314	0	16,935	-469	16,466	886	8,113
Net Operating Result before grants and contributions provided for capital purposes	-5,692	7,446	31	1,108	-853	0	7,732	-469	7,263	-183	3,509

Income and Expenses Budget Review Statement

Wentworth Shire Council

Budget review for the quarter ended 30/6/2026

Water Fund

Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Approved Changes Review Q 4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (P/E) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v P/E 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME											
Accruals Charges	1,599	1,635	84				1,719	30	1,749	-114	1,750
User Charges	1,842	1,272					1,272		1,272	0	1,275
Fees	0									0	
Grants & Contributions - Operating	18	18					18		18	0	18
Interest and Investment Income	611	515			-177		338	190	528	-13	408
Other Income	1									0	10
Net gain from disposal of assets										0	
Total income from continuing operations	4,071	3,440	84	0	-177	0	3,347	220	3,567	-127	3,561
EXPENSES											
Employee benefits and on-costs	775	802			58		860		802	58	742
Materials & Services	1,633	1,539	8				1,547		1,547	-8	1,407
Borrowing Costs										0	
Water purchase charges										0	
Calculated taxation equivalents										0	
Debt guarantee fee										0	
Other Expenses	70									0	
Net Loss from Disposal of Assets										0	
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	2,478	2,341	8	0	58	0	2,407	0	2,349	50	2,249
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets											
Depreciation, amortisation and impairment of non financial assets	1,583	1,099	76	0	-235	0	940	220	1,218	119	1,312
Surplus / (Deficit) from continuing operations before capital amounts	456	88	76	0	-235	0	-71	220	207	119	301
Grants and Contributions - Capital	1,849										150
Surplus / (Deficit) from continuing operations after capital amounts	2,305	88	76	0	-235	0	-71	220	207	119	451

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an expansion for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Income and Expenses Budget Review Statement
Wentworth Shire Council
Budget review for the quarter ended 30/6/2026
Sewer Fund

Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Approved Changes Review Q 4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PPE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PPE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
INCOME											
Access charges	2,069	2,120	77				2,197	29	2,226	106	2,226
User charges											
Liquid trade-waste charges											
Fees											
Grants and contributions - Operating	16	16					16		16	0	16
Interest and Investment Income	349	219			-73		146	79	225	6	324
Other Income		106					106		106	0	7
Net gain from disposal of assets											
Total Income from continuing operations	2,434	2,461	77	0	-73	0	2,465	108	2,573	112	2,573
EXPENSES											
Employee benefits and on-costs	225	233			22		255		233	0	240
Materials & Services	462	585	18				603		603	18	578
Borrowing Costs	9	8					8		8	0	8
Calculated location equivalents											
Debt Guarantee fee											
Other Expenses	57										
Net Loss from Disposal of Assets											
Total Expenses from continuing operations excluding depreciation, amortisation and impairment of non financial assets	753	826	18	0	22	0	866	0	844	18	806
Operating Result from continuing operations excluding depreciation, amortisation and impairment of non financial assets	1,681	1,635	59	0	-95	0	1,599	108	1,729	94	1,767
Depreciation, amortisation and impairment of non financial assets	1,001	932					932		932		932
Surplus / (Deficit) from continuing operations before capital amounts	680	703	59	0	-95	0	667	108	797	94	835
Grants and Contributions - Capital	1,164							502			932
Surplus / (Deficit) from continuing operations after capital amounts	1,864	703	59	0	-95	0	667	610	797	94	1,337

Notes

Original Budget 4+ approved budget changes in previous quarters = REVISED Budget

Revised Budget 4+ recommended changes this quarter = PROJECTED year results

The quarterly recommended changes to the revised budget are to include:

1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan

2) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

Capital Budget Review Statement Wentworth Shire Council

Budget review for the quarter ended 30/06/2026

Description	Previous Year Actual 2024/25 \$000's	Current Year Original Budget 2025/26 \$000's	Approved Changes Review Q 1 \$000's	Approved Changes Review Q 2 \$000's	Approved Changes Review Q 3 \$000's	Approved Changes Review Q 4 \$000's	Revised Budget \$000's	Recommended changes for council resolution \$000's	Projected Year End (PYE) Result 2025/26 \$000's	VARIANCE ORIGINAL budget v PYE 2025/26 \$000's	ACTUAL YTD 2025/26 \$000's
CAPITAL FUNDING											
Rates & other unlied funding	11,051	11,640	1,716	409	-243		13,522	-665	12,857	1,217	11,916
Capital Grants & Contributions	21,813	7,808	2,445	124			10,377	-559	9,818	2,010	8,321
Reserves - External Restrictions	238	4,197	7,079	434			11,710	-765	10,945	6,748	5,294
Reserves - Internally Allocated							0				
New Loans	7,296						0				1,000
Proceeds from sale of assets	348	600					600		600		675
Other - specify				665			665		665	665	665
Total Capital Funding	40,746	24,245	11,240	1,632	-243	0	36,874	-1,989	34,885	10,640	27,871
CAPITAL EXPENDITURE											
WIP	11,532						0				
New Assets	13,245	9,503	3,013	681	-243		12,954	-328	12,626	3,123	16,314
Asset Renewal	15,969	13,185	8,227	951			22,363	-1,661	20,702	7,517	10,024
Loan Repayments		1,557					1,557		1,557		1,533
Total Capital Expenditure	40,746	24,245	11,240	1,632	-243	0	36,874	-1,989	34,885	10,640	27,871
Net Capital Funding - Surplus /(Deficit)	0	0	0	0	0	0	0	0	0	0	0

Notes

Original Budget +/- approved budget changes in previous quarters = REVISED Budget

Revised Budget +/- recommended changes this quarter = PROJECTED year results

Where the **Total Capital Funding** and the **Total Capital Expenditure** values do not match an explanation is to be provided.

Carry over funding from previous year should be identified and any proposed carry forwards into next financial year are to be explained.

The quarterly recommended changes to the revised budget are to include:

- 1) an explanation for the recommended changes and any impact this will have on the Operational Plan, Delivery Program and Long Term Financial Plan
- 3) any impacts of year to date expenditure on recommended changes to budget

Explanations are to be in plain English and in a style that is easily understood by readers of non-financial information.

The narrative is important in understanding why budget changes are necessary.

**Cash and Investments Budget Review Statement
Wentworth Shire Council**

Budget review for the quarter ended 30/6/2026

Description	Previous Year Actual 2024/25 \$100's	Current Year Original Budget 2025/26 \$100's	Approved Changes Review Q 1 \$100's	Approved Changes Review Q 2 \$100's	Approved Changes Review Q 3 \$100's	Approved Changes Review Q 4 \$100's	Revised Budget \$100's	Recommended changes for council resolution Q1 \$100's	Projected Year End (PYE) Result 2025/26 \$100's	VARIANCE ORIGINAL budget v PYE 2025/26 \$100's	ACTUAL YTD 2025/26 \$100's
Total Cash, Cash Equivalents & Investments	44,087	40,000							40,000	0	37,943
EXTERNALLY RESTRICTED											
Water Fund	11,813	11,813							11,813	0	11,410
Sewer Fund	6,812	6,812							6,812	0	7,486
T-22ns Stormwater Upgrades	6,964	6,964							6,964	0	2,360
T-22ns Land Purchases	0	0							327	0	327
Developer Contribution Reserve	1,288	1,358							1,358	0	1,335
Unexpended Grants	5,379	492							492	0	3,332
Crown Reserves Reserve	228	228							228	0	222
Prepayments Certificates	587	590							590	0	611
Other External Reserves											
Total Externally Restricted	33,071	29,237	0	0	0	0	0	0	28,564	327	27,413
Cash, cash equivalents & investments not subject to external restrictions	11,016	11,763	0	0	0	0	0	0	11,436	-327	10,530
INTERNAL ALLOCATIONS											
Employee Entitlements	2,449	2,449							2,449	0	2,419
Doubtful Debts	0	0							0	0	0
Future Development Reserve	576	576							576	0	0
Trust Account	1,145	1,145							1,145	0	1,113
Capital Projects	794	1,000							1,000	0	0
Plant Replacement Reserve	1,500	1,500							1,500	0	0
Advanced Financial Assistance Grant Payment	4,101	0							0	0	0
Landfill Reserve	0	0							794	0	794
Total Internally Allocated	9,065	6,670	0	0	0	0	0	0	6,670	0	3,662
Unallocated	1,951	5,093	0	0	0	0	0	0	4,766	-327	6,868

External Restrictions - must be used for a specific purpose and are not to be used for general operations. The funds are bound by legislation or third party agreement that restricts their use.

Internal Allocations - Council have allocated by resolution or policy to identified programs of work and any forward plans identified by Council. These allocations are at the discretion of council.

Developer Contributions Summary Wentworth Shire Council Budget review for the quarter ended 30/06/2026									
Purpose	Operating Balance As at 1 July 2025 \$000's	Developer Contributions Received				Held as Restricted Asset		Cumulative balance of internal borrowings (to)/from As at this Q	
		Cash Q1 \$000's	Cash Q2 \$000's	Cash Q3 \$000's	Cash Q4 \$000's	As at this Q		\$000's	
Drainage	835	3	0	1		839			
Roads						0			
Traffic facilities						0			
Parking						0			
Open space	453	1	25	4	12	485			
Community facilities						0			
Other						0			
Total S7.11 Under plans	1,288	4	25	5	12	1,334		0	
S7.11 Not under plans						0			
S7.12 Levies						0			
S7.4 Planning agreements						0			
S84 Contributions						0			
Other						0			
Total Developer Contributions	1,288	4	25	5	12	1,334		0	

Notes

All developer contributions received are to be disclosed, and distinguished as cash or non cash. Recognition occurs when council gains control over the asset (cash or non cash).

Councils have obligations to provide facilities from contribution revenue levied on developers under the provisions of s7.4, s7.11 and s7.12 of the *Environmental Planning and Assessment Act 1979*.

Developer contributions may only be expended for the purpose for which the contributions were required, however council may apply contributions according to the priorities established in work schedules for the contribution plan.

'Amounts Expended' only includes monetary expenditure. The result should be a positive and not negative result.

Revenue Quarterly June Budget Variations

Q4 2025 - 2026

Recommended June Variations

Description	Amount	Funding
Sewer Access Charges	\$ 29,000.00	Rates and Charges
Sewer Investment Income	\$ 79,000.00	Interest & Investment Income
Water Access Charges	\$ 30,000.00	Rates and Charges
Water Investment Income	\$ 190,000.00	Interest & Investment Income
General Fund Investment Income (disbursement to funds)	-\$ 269,000.00	Interest & Investment Income

Expenditure Quarterly June Budget Variations

Q4 2025 - 2026

Recommended June Variations

Description	Amount	Funding
Materials and Services - Planning Consultancies	\$ 200,000.00	Rates and Charges

Capital Quarterly June Budget Variations

Q4 2025 - 2026

Recommended June Variations

Description	Amount	Funding
Sewer Capital Contributions	\$ 502,000.00	
Work in Progress Carried forward to 26/27	-\$ 1,989,000.00	Rates, Grants & External Reserves
•Ski Reserve Upgrade		
•Milpara / Tara downs Crossing		
•Rowing Club Extension		
•Pooncarie Water Treatment Plant		
•Wilsons Sewer Pump Station		
•3 Sisters Storm Water Upgrade		
•Melaleuca / Hendy Storm Water Upgrade		
•Punt Rd Storm Water Upgrade		

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
1915-2999-0001/1915-2999-0002	Fibre Optic Symphonic Orchestra (FOSO)	Complete

Brief Project Description

Creation of an event space for the Bruce Munro Fibre Optic Symphonic Orchestra Installation.

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$8,542,588	\$0	\$8,542,588	\$845,194.70	\$8,856,336	-\$313,748.00	104%

Description of Variations

Project Delayed due to significant rainfall estimated completion mid-April.

Project Status Comments

Construction completed site operational. Finalizing outstanding invoices these will be accrued back to 2025/2026 where possible otherwise will be attributed to 2026/2027.

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
1825-2999-16/17/18/19/20/21/22	Milpara Rd / Tara Downs Crossing Upgrade	On Track

Brief Project Description

The Milpara Road including the culvert structure over the Darling Anabranh (Tara Downs Crossing) is needing a significant upgrade to improve safety and structure stability. Scope includes:

- Milpara Road intersection with the Silver City Highway
- Milpara Road approaches to the Tara Downs structure including culverts, guard railing and vegetation removal
- Tara Downs Structure repairs
- Truck parking area prior to Anabranh Mail Road
- Milpara Road intersection with Anabranh Mail Road

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$765,721			\$10,663.52	\$40,599.37	\$725,121.63	5%

Description of Variations

Nil

Project Status Comments

On Track – Road Design is currently being prepared. A site meeting was held with the Road Engineering Consultant on 23 June.

Review of Environmental Factors (REF) is currently being prepared. A site meeting was held with REF Environmental Consultant on 13 July.

Design and REF are expected to be completed by early August.

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
3005-2999-0126	Sewer Main refurbishment	Year 1 works – Complete

Brief Project Description

WSC has aging sewer infrastructure and a number of major sewer breaks in Wentworth have been extremely costly to repair. The refurbishment of sewer has been a preferred solution by utilities to extend sewer asset life. The project is a three year program with a contractor engaged to provide all three years of sewer rehabilitation at agreed rates.

Scope of work includes:

- Cleaning of sewer
- Camera footage and condition assessment
- Refurbishment of sewer via relining technique
- Cut out of sewer property junctions
- Asset information for GIS system

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$1,000,000	0	\$1,000,000	\$0	\$628,353.11	\$371,646.89	63%

Description of Variations

NIL – Completed on an agreed schedule of rates

Project Status Comments

Project continuing into a second year with continued focus on the older clay pipes in Wentworth's Western side.

Scheduled work for the first year completed to be continued next financial year

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
1545-2999-0030	Wentworth Rowing Club Upgrades	Delayed – Practical Completion 31 July

Brief Project Description

Upgrade of the Wentworth Rowing Club to improve boat storage, amenities and compliance with current building standards. Significant works required post the 2022/2023 flood event.

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$469,000	0	\$469,000	\$95,473.14	\$226,871.38	\$242,128.62	52%

Description of Variations

Nil

Project Status Comments

Delayed – Project was to be completed on 30 June. Renovations works completed on 7 July. Extension works completed on 31 July.

Both portions impacted by wet weather and additional scope via variations.

Project now in defects liability period.

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
1545-2999-0039	Ski Reserve Rehabilitation	On Track

Brief Project Description

The area between the Ski Reserve and the Wentworth Hospital has asbestos and other building wastes scattered across it. Project is to fence the site, remove all surface asbestos and other waste, cap the surface with a layer of geofabric and soil. Site to be restored via hydroseeding and surface irrigation system.

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$679,316	0	\$679,316	\$93.61	\$216,924.17	\$462,391.83	32%

Description of Variations

Nil

Project Status Comments

Current works completed. Currently in discussions with funding body to alter scope of works to spend remaining funds
Proposal sitting with the Crown Lands Improvement funding team for review.

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
1440-2999-0001	Dareton EDS Upgrade	On Track

Brief Project Description

Upgrade and refurbishment of the existing Dareton Effluent Disposal Station. Scope includes addressing safety issues, operation and maintenance issues including the ability for "tap and go" charging system. This will upgrade the Dareton EDS to be of a similar standard to the recently upgraded Buronga and Wentworth Effluent Disposal Stations.

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$1,450,000	\$0	\$1,450,000	\$20,030.52	\$20,944.03	\$1,449,068.49	0.01%

Description of Variations

Nil

Project Status Comments

On track. Survey both on land and in the river has been completed. Review of Environmental has been prepared for the project. Preliminary Design for a Design and Construct Contract has been complete. Documentation for the Contract is currently being prepared.

Project Financial and Progress Reporting Template

Project ID	Project Name	Project Status (On Track / At Risk / Delayed)
2005-2999-0289	Gol Gol Water Treatment Plant Temporary Capacity increase	Complete

Brief Project Description

Gol Gol WTP has a designed maximum flow rate of 45 L/s. However peak summer flow rates have been getting close on exceeding this maximum rate. Scope is to increase both the Raw Water Pump Station and Gol Gol Water Treatment Plant to be able to supply an additional 15 L/s to achieve a flow rate of 60 L/s.

Scope includes:

- Raw water pumps to operate in duty / assist rather than duty / standby
- Inlet work improvements to reduce friction losses.
- Settled water pumps to operate in duty / assist rather than duty / standby
- Clear water pumps to operate in duty / assist rather than duty / standby
- Double to Clear water storage capacity

Financial Summary

Original Budget (\$)	Approved Variations (\$)	Revised Budget (\$)	Expenditure this Quarter (\$)	Cumulative Expenditure to Date (\$)	Remaining Budget (\$)	% of Budget Spent
\$250,000	\$0	\$250,000	\$40,989,27	\$216,478.34	\$33,521.66	87%

Description of Variations

NIL

Project Status Comments

All works complete. Water Treatment Plant tested to produce 60 L/s.

9.9 QUARTERLY OPERATIONAL PLAN PROGRESS REPORT

File Number: RPT/26/381

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.

Completed actions

- All annual actions
- 1.2.4 – Fibre Optic Symphonic Orchestra – Bruce Munro Art Installation
- 2.3.6 – Dareton CCTV
- 3.2.4 – Regional Emergency Road Repair Fund
- 3.3.5 – Wentworth Flood Study
- 3.4.8 – Buronga SPS #9
- 3.4.13 – Wentworth Raw Water Pump Station
- 3.4.14 – Dareton Raw Water Pump Station
- 3.4.15 – Gol Gol Water Treatment Plant
- 3.4.16 – Wentworth Water Treatment Plant
- 3.5.3 – Rose Street Stormwater
- 3.5.5 – Crane Drive Stormwater
- 3.5.8 – Dawn Ave Stormwater
- 3.5.9 – Land purchase Buronga

Recommendation

That Council receives and notes the report.

Detailed Report

Purpose

The purpose of this report is to detail Council's progress on implementing the 2025-2026 Operational Plan.

Background

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.

Matters under consideration

The quarterly Operational Plan progress report provides an update on Council's performance in delivering the key actions and initiatives outlined in the Operational Plan for the reporting period. It highlights achievements, progress and any challenges encountered in implementing projects and services that contribute to the objectives of the Delivery Program.

The report is prepared in accordance with legislative obligations which require councils to report on the implementation of their Delivery Program and Operational Plan.

The report demonstrates Council's commitment to transparency, good governance, and continuous improvement by tracking performance, identifying emerging priorities, and ensuring that resources and activities remain aligned with the community needs and strategic goals.

Council's 2025-2026 Operational Plan commenced with 62 actions aligned with the four themes of:

- A vibrant, growing and thriving region,
- A great place to live,
- A community that works to enhance and protect its physical and natural environment,
- Is supported by strong and ethical civic leadership with all activities conducted in an open, transparent, and inclusive manner.

Each action has been allocated to a department who is accountable for its progress. The responsible officer is required to assess the status of the action as follows:

Status Option	Definition	Legend
Annual Action Completed	Annual Action completed for the year	
Specific Action Completed	Specific Action completed for the year	
Annual Action Progressing	Annual Action underway and is progressing as planned	
Specific Action Progressing	Specific Action underway and is progressing as planned	

Stalled	There is an issue that has delayed progress with this action	
Not due to start	Action not scheduled to start until later in the year	
Deferred	Action will not happen this year	

The Wentworth Shire Council's Quarterly Operational Plan Progress Report (refer attachment 1) the progress for the period July 2025 to June 2026 is as follows:

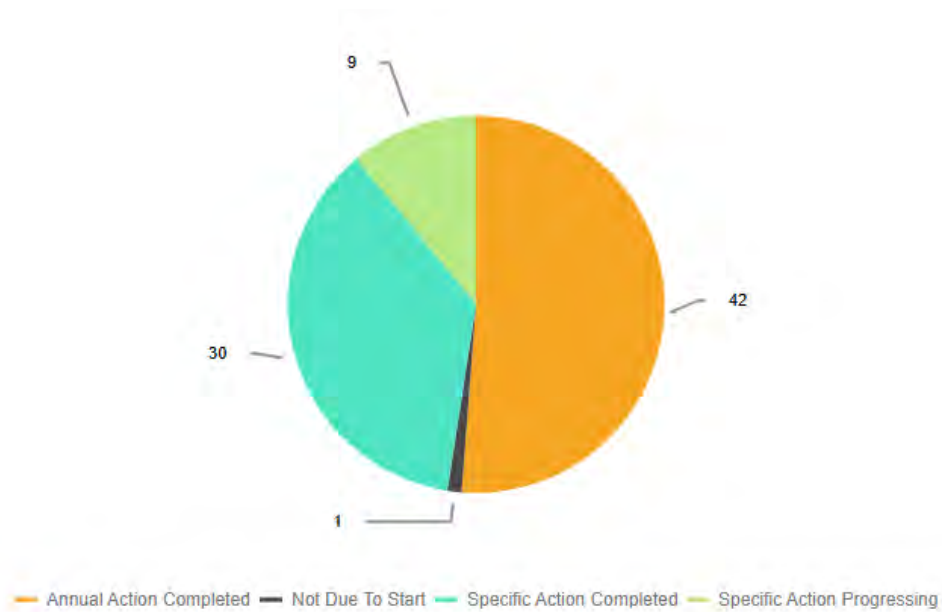
Status Option	Action Status – 1 st Quarter	Action Status – 2 nd Quarter	Action Status – 3 rd Quarter	Action Status – 4 th Quarter
Annual Action Completed	0	0	0	42
Specific Action Completed	9	14	17	30
Annual Action Progressing	42	42	42	0
Specific Action Progressing	28	24	22	9
Stalled	0	0	0	0
Not due to Start	1	1	1	1
Deferred	0	0	0	0

Actions added during the quarter: 0

Completed actions

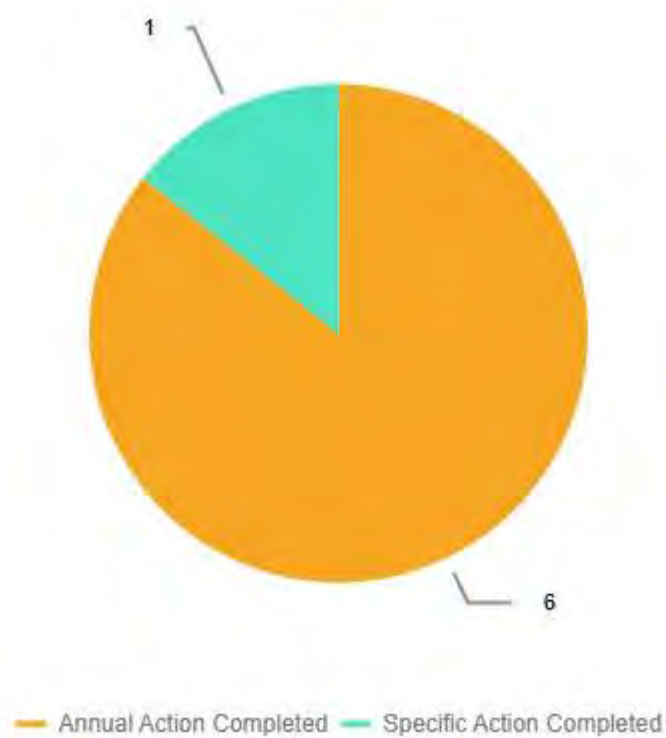
- All annual actions
- 1.2.4 – Fibre Symphonic Orchestra – Bruce Munro Art Installation
- 2.3.6 – Dareton CCTV
- 3.2.4 – Regional Emergency Road Repair Fund
- 3.3.5 – Wentworth Flood Study
- 3.4.8 – Buronga SPS #9
- 3.4.13 – Wentworth Raw Water Pump Station
- 3.4.14 – Dareton Raw Water Pump Station
- 3.4.15 – Gol Gol Water Treatment Plant
- 3.4.16 – Wentworth Water Treatment Plant
- 3.5.3 – Rose Street Stormwater
- 3.5.5 – Crane Drive Stormwater
- 3.5.9 – Dawn Ave Stormwater
- 3.5.9 – Land purchase Buronga

All Actions

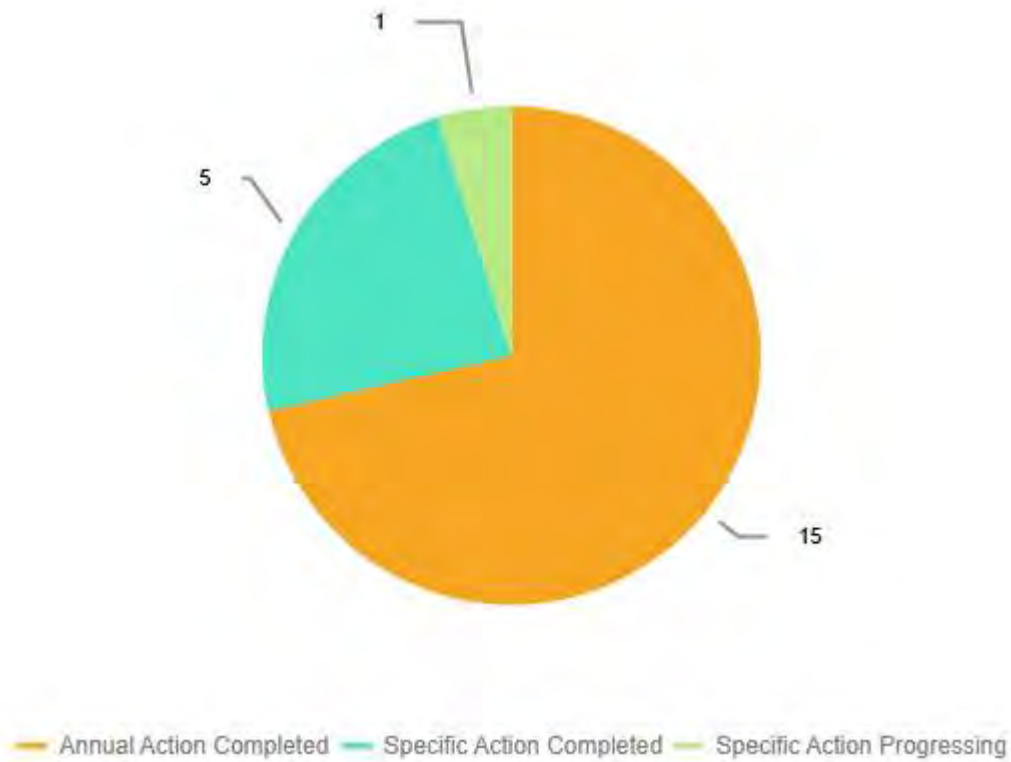


Strategic Direction

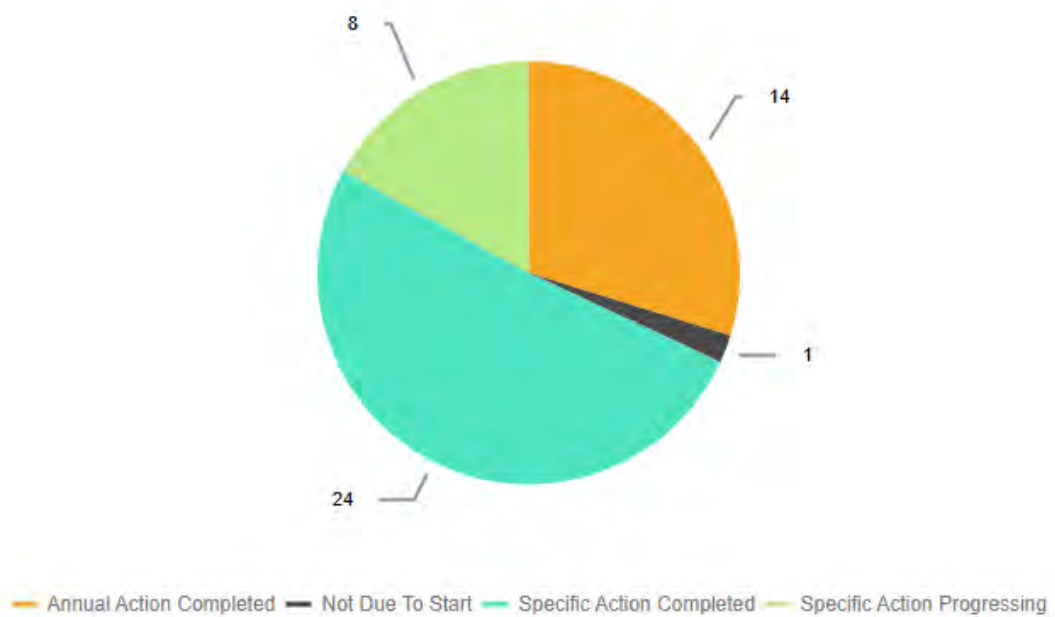
Our Economy



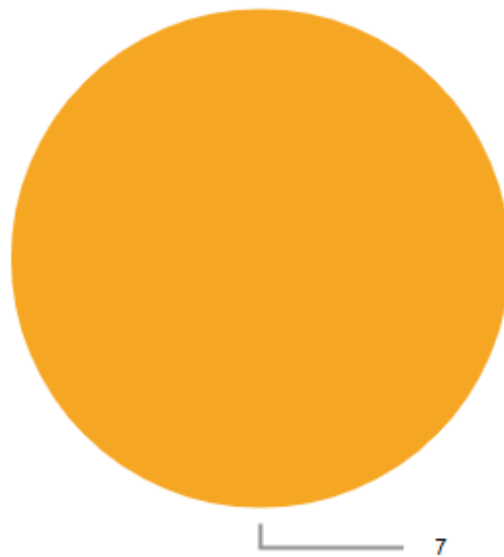
Our Community



Our Environment



Our Leadership



Annual Action Completed

Department



Legal, strategic, financial or policy implications

The tabling of Council's Quarterly Operational Plan Progress Report carries a range of legal, strategic and financial implications. Legally, the report demonstrates Council's compliance with the Integrated Planning and Reporting Framework under the *Local Government Act 1993* (NSW), which requires regular reporting on the implementation of the Operational Plan.

Strategically, the report provides transparency on the progress of key actions, ensuring alignment with Council's Delivery Program. Further detail on these financial impacts is provided in the Quarterly Budget Review Statement, which outlines budget adjustments and carry-over commitments required to support the continued delivery of these actions.

Conclusion

The Quarterly Operational Plan Progress report details Council's overall progress against all 82 Operational Plan actions for the period July 2025 – June 2026.

Attachments

1. Quarterly Operational Plan Progress Report [↓](#)



Operational Plan Quarterly Progress Report June 2026

Strategic Direction: Our Economy

Wentworth Shire is a vibrant, growing and thriving Region.

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
1.1	Create a supportive Environment for business to invest and grow	1.1.1	Utilise the Economic Development Strategy to advocate for approaches that create economic diversification and provide broader employment opportunities.	Annual Action Completed	General Manager	This is an ongoing annual action of Council. Preliminary work on a potential investment prospectus has commenced, aimed at highlighting key opportunities within the region, to attract sustainable investment and drive local job growth. This was identified as an action in the Economic Development Strategy.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		1.1.2	Support educational and employment opportunities that retain young people and local talent, attract new workers and provide opportunities for the unemployed.	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
1.2	Promote the Wentworth Region as a desirable visitor and tourism destination.	1.2.1	Visitor Information Centre Services.	Annual Action Completed	Team Leader Visitor Information Centre	This is an ongoing annual action of Council.	
		1.2.2	Work in partnership to expand the branding, promotion, attraction and opportunities in support of the growth of the visitor economy.	Annual Action Completed	Manager Business & Corporate Services	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		1.2.3	Support the activities of Murray Regional Tourism, Destination NSW Riverina-Murray, and Wentworth Regional Tourism Inc.	Annual Action Completed	Manager Business & Corporate Services	This is an ongoing annual action of Council. Council partnered with Wentworth Regional Tourism Inc to promote the "Why not Winter in Wentworth Campaign".	
		1.2.4	Fibre Optic Symphonic Orchestra - Bruce Munro Art Installation	Specific Action Completed	General Manager	Project was complete during the quarter. Operations have now commenced.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
1.3	High quality connectivity across the region.	1.3.1	Advocate for high standard physical and digital connectivity.	Annual Action Completed	General Manager	This is an ongoing annual action of Council. Council has provided in principle support for Mildura Rural City Council's Integrated Transport and Land Use Strategy including their advocacy priority titled Monak Bridge and to commence advocacy in support of a Heavy Vehicle Bypass.	

Strategic Direction: Our Community

Wentworth Shire is a great place to live.

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
2.1	Continue to create opportunities for inclusion where all people feel welcome and participate in community life.	2.1.1	We foster a sense of community belonging and diversity.	Annual Action Completed	Director Corporate Services	This is an ongoing annual action of Council. This year Council facilitated a number of community events, designed to connect the community utilising funding received from the Regional Drought Resilience Fund.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.1.2	Actively engage with and include the perspectives and knowledge of the local indigenous community	Annual Action Completed	Director Corporate Services	This is an ongoing annual action of Council. The General Manager meets with numerous indigenous groups on a regular basis and has signed a letter of support for a grant application being prepared by the Dareton Aboriginal Land Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.1.3	Support the delivery and development of events that contribute to economic prosperity, liveability and social cohesion.	Annual Action Completed	Manager Business & Corporate Services	This is ongoing annual action of Council. Council has provided \$95,500 of support for the following events - Sunraysia Safari Rally - Country Music Festival - Wentworth Show - Spirit of Cricket Tournament - Christmas Eve Street Party - Poonaire Desert Dash	
		2.1.4	Support cultural, recreational and community interaction opportunities through the Financial Assistance Program	Annual Action Completed	Director Corporate Services	This is an ongoing annual action of Council. This quarter Council approved \$13,193 of financial assistance.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.1.5	Implement actions outlined in the Disability Action Plan	Annual Action Completed	Director Corporate Services	This is an ongoing annual action of Council. Buronga Riverfront toilet block has been completed including full accessible toilet and access ramps.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
2.2	The community has access to services and initiatives that contribute to well being across all stages of life	2.2.1	Provide libraries that support social interaction and encourage lifelong learning.	Annual Action Completed	Team Leader Library Services	This is an ongoing annual action of Council. Total visitation numbers for the quarter - Midway 1900, Dareton 358, Wentworth - 3,860. Key events/highlights include school holiday program activities, Indigenous Education Groups visiting the Dareton Library. Physical borrowings - Midway 950, Dareton - 275, Wentworth - 1,436. Digital borrowings - 2,192. Customer Request - Midway - 253, Dareton - 106, Wentworth - 504.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.2.2	Develop and maintain effective relationships to advocate for the needs of the community.	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
		2.2.3	Support the work of the Wentworth Interagency Group.	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
		2.2.4	Our buildings and spaces are designed to be inclusive and accessible to all community members	Annual Action Completed	Manager Engineering Services	This is an ongoing annual action of Council. Buronga Riverfront toilet block has been completed including full accessible toilet and access ramps.	
2.3	To have a safe community	2.3.1	Regulatory Services are provided to support the health, safety and well being of the community.	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.3.2	Continue to engage with the Local Area Command on key community safety issues	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
		2.3.3	Facilitate the Local Emergency Management Committee to ensure a co-ordinated approach by all agencies having responsibilities and functions in emergencies	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
2.4		2.3.4	In partnership with Transport for NSW continue to identify and resolve road and pedestrian safety issues	Annual Action Completed	Manager Works	This is an ongoing annual action of Council. Council has received confirmation from Transport for NSW that 6 road safety projects for this year have been approved. Road Safety Officer provides Council with a quarterly update on activities undertaken for that quarter.	
		2.3.5	Being a Child Safe organisation.	Annual Action Completed	Director Corporate Services	This is an ongoing annual action of Council.	
		2.3.6	Dareton CCTV.	Specific Action Completed	Manager Technology Services	The action was completed this quarter.	
	To have a strong sense of place.	2.4.1	Community pride is encouraged through the beautification and maintenance of our towns	Annual Action Completed	Manager Works	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.4.2	Undertake specific public spaces capital works projects - Ski Reserve Rehabilitation project	Specific Action Progressing	Manager Engineering Services	Project has been completed. Currently discussing a potential scope extension with the funding body to spend remaining grant funds. The action will be carried into 26/27 if approval is received to expend the remaining grant funds.	
		2.4.3	Undertake specific public spaces capital works projects - Open Spaces Development	Specific Action Completed	Manager Engineering Services	Project was completed in the March quarter.	
		2.4.4	Undertake specific public spaces capital works projects - Buronga Riverfront Toilet Block	Specific Action Completed	Manager Engineering Services	This is a carry forward project from 24/25 and since been completed.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		2.4.5	Undertake specific public spaces capital works projects - Buronga Pump Track Stage 2	Specific Action Completed	Manager Engineering Services	This is a carried forward project from 24/25 and since been completed.	
		2.4.6	Undertake specific public spaces capital works projects - Greater Darling Junction Viewing Platform	Specific Action Completed	Manager Engineering Services	This is a carry forward project from 24/25 and has since been completed.	

Strategic Direction: Our Environment

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

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
3.1	An urban environment that maintains and enhances our sense of identity and place.	3.1.1	Manage development through a transparent and efficient assessment process.	Annual Action Completed	General Manager	This is an ongoing annual action of Council. Council has appointed a Planning Consulting firm to help manage the assessment process while it undertakes recruitment for additional planning staff.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.1.2	Develop, review and update Strategic Planning documents as required.	Annual Action Completed	General Manager	This is an ongoing annual action of Council. The review and update to the Buronga Gol Gol Structure Plan is progressing, a report will go to the April Council meeting endorsing the Draft Plan for Public Consultation. Council has applied for funding from the Dept of Planning to update Developer Contribution Plan and Development Servicing Plan.	
3.2		3.2.1	Land Tenure Program	Annual Action Completed	Property & Land Tenure Officer	This is an ongoing annual action of Council.	
	Our public assets are well maintained and able to meet the growing population demands.	3.2.2	Maintain transport network including Roads, Bridges & Footpaths	Annual Action Completed	Team Leader Roads	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.2.3	Maintain community facilities including halls, ovals, pools and other sporting facilities	Annual Action Completed	Manager Works	This is an ongoing annual action of Council.	
		3.2.4	Prioritise and implement recommendations of Asset Management Plans - Regional Emergency Road Repair Fund	Specific Action Completed	Team Leader Roads	Program of works for the year has been completed.	
		3.2.5	Prioritise and implement recommendations of Asset Management Plans - Loop Road	Specific Action Completed	Manager Works	This is a carried forward project from 24/25 and has since been completed.	
		3.2.6	Prioritise and implement recommendations of Asset Management Plans - Milpara Road	Specific Action Progressing	Manager Engineering Services	Final design and required approvals have commenced. Construction work has already been budgeted for 26/27.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.2.7	Prioritise and implement recommendations of Asset Management Plans - Flood Recovery Activities - Roads, Bridges, Footpaths	Specific Action Completed	Team Leader Roads	This action has been completed.	
		3.2.8	Prioritise and implement recommendations of Asset Management Plans - Darling Street Footpaths	Specific Action Completed	Manager Works	This is a carried forward project from 24/25 and since been completed.	
		3.2.9	Prioritise and implement recommendations of Asset Management Plans - Wentworth Rowing Club Extension	Specific Action Progressing	Manager Works	This is a carried forward project from 24/25. Works have commenced are on track to be completed by the end of August. This will project will be carried forward to 26/27.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.2.10	Prioritise and implement recommendations of Asset Management Plans - Showgrounds Kitchen Upgrade	Specific Action Completed	Manager Works	This project was carried forward from 24/25 and has since been completed.	
		3.2.11	Prioritise and implement recommendations of Asset Management Plans - Poongarie Reserve Kitchen Upgrade	Specific Action Completed	Manager Works	This project was carried forward from 24/25 and has since been completed.	
		3.2.12	Prioritise and implement recommendations of Asset Management Plans - Dareton Main Street	Specific Action Completed	Manager Works	This project was carried forward from 24/25 and has since been completed.	
		3.2.13	Prioritise and implement recommendations of Asset Management Plans - Wentworth Depot Upgrade	Specific Action Completed	Manager Works	This project has been carried forward from 24/25 and has been completed.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.2.14	Prioritise and implement recommendations of Asset Management Plans - Buronga to Gal Gol Shared Ways	Specific Action Completed	Manager Works	This project has been carried forward from 24/25 and has been completed.	
		3.2.15	Land Purchase Dareton	Specific Action Progressing	General Manager	At the December Council Meeting, Council approved the purchase of land at Dareton to support the potential development of an Early Settlers Museum. This action will be carried forward to 26/27.	
3.3	Minimise the impact on the natural environment	3.3.1	Effectively manage weeds to protect our biodiversity and natural environment.	Annual Action Completed	Manager Works	This is an ongoing annual action of Council.	
		3.3.2	Monitor and investigate Illegal Dumping Activities as required	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.3.3	Support the activities of the Murray Darling Association	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
		3.3.4	Advocate for the sustainable management of the Darling-Barka River and the Menindee Lakes	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
		3.3.5	Wentworth Flood Study	Specific Action Completed	General Manager	This action was completed during the quarter.	
3.4	Use and manage our resources wisely.	3.4.1	Provide best practice water, waste water and stormwater management infrastructure	Annual Action Completed	Team Leader Water & Waste Water	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.4.2	Provide and promote resource recovery and recycling initiatives.	Annual Action Completed	Manager Waste & Recycling	This is an ongoing annual action of Council. Works on the enhanced resource recovery facilities at the Buronga Landfill have been completed. At the March Council Meeting Council approved the offer from Cleanaway for the provision of a new Kerbside Waste Contract that will see the introduction of new Food Organics/Garden Organics and Recycling Collections commencing 1 October 2026.	
		3.4.3	Encourage businesses and the community to be socially and environmentally responsible	Annual Action Completed	Manager Waste & Recycling	This is an ongoing annual action of Council.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.4.4	Buronga Landfill Expansion	Specific Action Completed	Manager Engineering Services	This action has been completed.	
		3.4.5	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Water Treatment Plant Upgrades	Specific Action Progressing	Manager Engineering Services	Stage 1 of Pooncarie WTP has commenced and is due for completion by the end of October and capacity upgrades to Gol Gol WTP have been completed. This action will be carried into 26/27.	
		3.4.6	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Gol Gol East Raw Water Pump Station	Not Due To Start	Manager Engineering Services		

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.4.7	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Wilson Sewer Pump Station	Specific Action Progressing	Manager Engineering Services	Pump Station has been delivered. Waiting on delivery of the switchboard. The action will be carried into 26/27.	
		3.4.8	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Buronga Sewer Pump Station #9	Specific Action Completed	Manager Engineering Services	Works for 26/27 have been completed. Additional works will be budgeted for future years.	
		3.4.9	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Sewer Main Refurbishments	Specific Action Completed	Manager Engineering Services	Stage 1 works have been completed. Currently working with the contractor to identify the next stage of works.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.4.10	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Buronga Waste Water Treatment Plant	Specific Action Completed	Manager Engineering Services	Works identified for 25/26 have been completed.	
		3.4.11	Prioritise and implement recommendations of the Integrated Water Cycle Management Plan - Wentworth Waste Water Treatment Plant	Specific Action Completed	Manager Engineering Services	2025/2026 Works have been completed.	
		3.4.12	Water Leakage & District Metering Program	Specific Action Completed	Manager Engineering Services	This project has been carried forward from 2024/2025 and has since been completed.	
		3.4.13	Wentworth Raw Water Pump Station	Specific Action Completed	Manager Engineering Services	This project has been carried forward from 24/25. This action was completed this quarter.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.4.14	Dareton Raw Water Pump Station	Specific Action Completed	Manager Engineering Services	see 3.4.13	
		3.4.15	Gol Gol Water Treatment Plant	Specific Action Completed	Manager Engineering Services	see 3.4.13	
		3.4.16	Wentworth Water Treatment Plant	Specific Action Completed	Manager Engineering Services	see 3.4.13	
3.5	Infrastructure meets the needs of our growing Shire.	3.5.1	Infrastructure is planned for the long term and without imposing an unfair burden on future generations.	Annual Action Completed	Director Roads & Engineering	This is an ongoing annual action of Council. So far this year Council has participated in Sturt Highway Taskforce and the Far West Strategic Regional Integrated Transport Plan forum.	
		3.5.2	Encourage positive social and environmental contributions from developers.	Annual Action Completed	General Manager	This is an ongoing annual action of Council. Council continues to have positive discussions with West Wind in relations to the proposed Community Benefits fund associated with their Wind Farm development.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.5.3	Progress actions from the Buronga/Gol Gol Structure Plan - Rose Street Stormwater	Specific Action Completed	Senior Civil Engineer	Works for 25/26 have been completed. Future works have been budgeted for 27/28.	
		3.5.4	Progress actions from the Buronga/Gol Gol Structure Plan - 3 Sisters Stormwater	Specific Action Progressing	Senior Civil Engineer	Irrigation works have been completed. This action will be carried forward to 26/27	
		3.5.5	Progress actions from the Buronga/Gol Gol Structure Plan - Crane Drive Stormwater	Specific Action Completed	Senior Civil Engineer	Works for 25/26 have been completed. Further works have been budgeted for 27/28.	
		3.5.6	Progress actions from the Buronga/Gol Gol Structure Plan: - Melaleuca/Hendy Road Stormwater	Specific Action Progressing	Manager Engineering Services	Works have commenced. This action will be carried forward to 26/27.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		3.5.7	Progress actions from the Buronga/Gol Gol Structure Plan - Punt Road Stormwater	Specific Action Progressing	Manager Works	The project has been carried forward from 24/25. Contractor has been engaged to install the gates, works to be completed by end of August. This action will be carried into 26/27.	
		3.5.8	Progress actions from the Buronga/Gol Gol Structure Plan - Dawn Avenue Stormwater	Specific Action Completed	Manager Engineering Services	Works for this year have been completed. Additional works will be budgeted in future years.	
		3.5.9	Land Purchase Buronga	Specific Action Completed	General Manager	This action was completed during the quarter.	



Strategic Direction: Our Leadership

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

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
4.1	A well engaged and informed community.	4.1.1	Provide timely, accessible and accurate information to the community.	Annual Action Completed	General Manager	During the quarter, Council published 282 posts on its website, with an average of 86 views per post. The highest-performing post recorded 2,427 views and related to how to subscribe to blue green algae alerts from WaterNSW, published on 29 May. 20 posts received zero views, the majority of these were associated with Development Applications. Across Council's social media platforms, 136 posts were published, achieving an average reach of 2,232 per post. The highest reach recorded was 25,335 for a post on 3 June relating to Mayor Linklater participating in a fundraiser for Motor Neurone Disease research. On Council's tourism social media channels, 28 posts were published, with an average reach of 5,892 per post. The highest reach recorded was 54,107 for a post on 4 June relating to the tractor convoy crossing the Abbotford Bridge as part of 70th Anniversary Wentworth Flood Rally.	●

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		4.1.2	Engage and consult with the whole community to capture and consider all viewpoints.	Annual Action Completed	General Manager	Across the "Have Your Say" engagement platform, 5 new projects/campaigns were added during the quarter. During the quarter there were 873 visitors, generating a total of 1,257 visits and 1,449 views. The most viewed page was the Buronga Gol Gol Structure Plan 2026, which recorded 328 visitors and 467 visits.	
4.2	We value our civic leadership and whose stewardship and decision making benefits present and future generations.	4.2.1	Ensure that elected members are adequately resourced to enable effective representation.	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	



Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		4.2.2	Build and maintain active partnerships and advocate effectively on behalf of the community.	Annual Action Completed	General Manager	This is an ongoing annual action of Council.	
4.3	Provide a governance framework that is transparent and builds trust in local leadership.	4.3.1	Council practices and processes are undertaken in an efficient manner that meets legislative requirements.	Annual Action Completed	Director Corporate Services	This is an ongoing annual action of Council.	
4.4	Manage public resources responsibly and efficiently for the benefit of the community.	4.4.1	Council's finances are managed to ensure ongoing service delivery levels and appropriate asset management can be maintained.	Annual Action Completed	General Manager	This is an ongoing annual action of Council. Audit of Annual Financial Statements has been completed and lodged before the statutory deadline.	

Objective Code	Objective	Action Code	Action Name	Status	Responsible Officer Position	Comments	Traffic Lights
		4.4.2	Retain, engage and develop staff.	Annual Action Completed	General Manager	HR & WHS activities for the quarter - Training (TfNSW worker on foot x 7, First Aid x 10) - 17 staff inductions - Return to Work Training for new WHS Officer - Attended StateCover and LGNSW Conferences - Roll out of the new 2026 Local Government State Award - 3 LMS demonstrations	

9.10 ADOPTION OF REVISED PROCUREMENT POLICY, STATEMENT OF BUSINESS ETHICS AND CREDIT CARD POLICIES

File Number: RPT/26/411

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

As part of Council's ongoing commitment to sound governance, transparency and continuous improvement, the Procurement Policy, Statement of Business Ethics and Credit Card Policy have been reviewed to ensure they remain contemporary, effective and aligned with Council's operational and governance requirements.

The revised policies were considered by the Audit, Risk and Improvement Committee (ARIC) at its May 2026 meeting, where they were endorsed for progression through Council's policy adoption process. At the June 2026 Ordinary Council Meeting, Council resolved to place the revised policies on public exhibition to provide the community and stakeholders with an opportunity to review and comment on the proposed changes.

The public exhibition period has now concluded, and no submissions were received. The revised policies strengthen Council's governance framework by supporting ethical conduct, accountable decision-making, effective procurement practices and appropriate financial controls. Adoption of the policies will ensure Council maintains a contemporary policy framework that supports compliance, mitigates organisational risk and reflects good governance practice.

It is therefore recommended that Council adopt the revised Procurement Policy, Statement of Business Ethics Policy and Credit Card Policy.

Recommendation

That Council adopt the following revised policies:

- a) GOV005 – Procurement Policy
- b) GOV019 – Statement of Business Ethics Policy
- c) GOV024 – Credit Card Policy

Detailed Report

Purpose

The purpose of this report is to seek Council's endorsement of the revised Procurement, Statement of Business Ethics and Credit Card Policies.

Background

As part of Council's ongoing commitment to good governance, transparency and accountability, Council maintains a structured program of periodic policy reviews to ensure policies remain current, effective and aligned with legislative requirements, industry standards and organisational objectives.

At its May 2026 meeting, the Audit, Risk and Improvement Committee (ARIC) reviewed and endorsed updates to the:

- Procurement Policy;
- Statement of Business Ethics; and
- Credit Card Policy.

The Committee supported the revised policies and recommended that they proceed through Council's policy adoption process.

At the June 2026 Ordinary Meeting, Council resolved to place the revised policies on public exhibition to provide the community and stakeholders with an opportunity to review and comment on the proposed changes.

Matters under consideration

The public exhibition period has now concluded. No submissions were received during the exhibition period.

The revised policies form part of Council's broader governance framework and support Council's commitment to maintaining robust internal controls, ethical business practices and accountable decision-making. Together, these policies provide guidance for the procurement of goods and services, establish expected standards of conduct for suppliers and business partners, and ensure the appropriate use and oversight of Council-issued credit cards.

The review of these policies forms part of Council's continuous improvement approach to governance. Regular policy reviews enable Council to:

- Maintain alignment with legislative and regulatory requirements;
- Reflect contemporary best practice;
- Strengthen internal control environments;
- Promote ethical and transparent decision-making; and
- Support effective risk management and organisational accountability.

As no submissions were received and no further amendments are proposed, it is recommended that Council formally adopt the revised policies.

Legal, strategic, financial or policy implications

This report aligns with Council's objective of maintaining strong and ethical civic leadership and ensuring Council activities are conducted in an open, transparent and inclusive manner. There are no direct financial implications associated with the adoption of the revised policies.

The adoption of the revised policies supports Council's governance and risk management framework by providing clear expectations, accountability mechanisms and controls in relation to procurement activities, ethical business relationships and corporate credit card use.

Failure to periodically review governance policies may increase the risk of non-compliance, inconsistent practices and ineffective internal controls.

Conclusion

The policies have been reviewed as part of Councils ongoing governance program, endorsed by the Audit, Risk and Improvement Committee and publicly exhibited in accordance with Council's policy review process. As no submissions were received during the exhibition period, it is recommended that Council adopt the revised policies.

Attachments

1. DRAFT - GOV005 Procurement Policy [↓](#)
2. DRAFT - GOV019 - Statement of Business Ethics Policy [↓](#)
3. DRAFT - GOV024 Credit Card Policy [↓](#)



COUNCIL POLICY

POLICY NUMBER & TITLE:	GOV005	PROCUREMENT POLICY
WORD DOCUMENT ID:	DOC/25/25670	
VERSION:	3.0	
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:	Corporate Services
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PROCUREMENT POLICY

POLICY OBJECTIVE

This Official Council Policy deals with the establishment of best practice in the expenditure of public funds for public purposes.

1. POLICY STATEMENT

The intent of this policy is to establish a framework which will assist Wentworth Shire Council to obtain best value for our community through effective, responsible and transparent procurement methods which comply with relevant legislation and Council's Code of Conduct.

Council applies a lifecycle approach to procurement, based on the principles of Plan-Source-Manage. This ensures that procurement activities are strategically aligned, risk-aware, transparent and accountable from initial planning through sourcing to ongoing contract management. Operational requirements supporting this lifecycle, including detailed procedures and templates are set out in the Procurement Manual and related governance policies.

2. POLICY COVERAGE

This policy applies to all Councillors, permanent employees, temporary or casual employees, suppliers, contractors and consultants of Council who are involved in Council's contracting and procurement activities or engaged to perform work on behalf of Council.

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Wentworth Shire Council.
Plan-Source-Manage	A high-level procurement lifecycle framework that guides Council to plan procurement strategically, source goods and

Title: GOV005	PROCUREMENT POLICY	V1.0	Version date: XX/XX/XXXX
DOC ID: DOC/25/25670	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

	services through transparent and fair processes, and manage contracts to ensure value for money and responsible stewardship of public resources. Detailed operational requirements supporting this lifecycle are set out in the Procurement Manual.
Procurement	The act of obtaining or buying goods and services.
Whole of life costs	Refers to the total costs of ownership over the life of an asset including: planning, design, construction/acquisition, operations, maintenance, renewal, rehabilitation, depreciation, replacement or disposal.

5. POLICY CONTENT

It is the policy of this Council that:

- Wentworth Shire Council is committed to representing and assisting the community and the stakeholders of the Wentworth Shire in meeting their needs at an affordable cost.
- Council aims to achieve value for money in all of its procurement activities, whilst recognising the impact that its procurement decisions have on the local economy.
- The following principles and objectives underpin Council's procurement activities:
 - That Council complies with all relevant legislation and statutory requirements in relation to the procurement of goods and services;
 - That all of Council's procurement activities are conducted in a manner which ensures transparency, probity, accountability and consistency, with open and fair competition and no conflicts of interest;
 - 'Modern slavery' is defined in the *Modern Slavery Act 2018* (NSW) as any conduct constituting a modern slavery offence within the meaning of that Act and any conduct involving the use of any form of slavery, servitude or forced labour to exploit children or other persons taking place in the supply chains of organisations.
 - Council recognises that Modern slavery is a serious violation of an individual's dignity and human rights. Exploitative practices including human trafficking, slavery, servitude, forced labour, debt bondage and forced marriage are all considered modern slavery and are serious crimes under Australian law.
 - That Council's aims to achieve best value for money on a whole of life cycle basis that generates benefits to Council and the community by balancing relevant non-cost factors including quality, fitness for purpose, capacity and capability of service provider, environmental and social factors, against relevant cost factors such as whole of life costs.
- Council's preferred method of tendering is via open tender unless otherwise resolved by a resolution of Council.
- This policy is to be read in conjunction with Council's Statement of Business Ethics Policy (GOV019) and Council's Procurement Manual.

Title: GOV005	PROCUREMENT POLICY	V1.0	Version date: XX/XX/XXXX
DOC ID: DOC/25/25670	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

6. RELATED DOCUMENTS AND LEGISLATION

Legislation

Local Government Act 1993 (NSW)

Local Government (General) Regulation 2021

Modern Slavery Act 2018 (NSW)

Council Policies

- GOV001 – Gifts and Benefits Policy
- GOV003 – Fraud Control Policy
- GOV004 – Internal Reporting Policy
- GOV009 – Delegation Policy
- GOV013 – Enterprise Wide Risk Management Policy
- GOV019 – Statement of Business Ethics Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflict of Interest Policy
- GOV024 – Credit Card Policy

Council Documents

- Procurement Manual
- Legislative Compliance Framework
- Enterprise Wide Risk Management Framework
- Governance Framework
- Fraud Control Plan
- Gifts and Benefits Register
- Conflict of Interest Register

7. ATTACHMENTS

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

Title: GOV005	PROCUREMENT POLICY	V1.0	Version date: XX/XX/XXXX
DOC ID: DOC/25/25670	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

POLICY NUMBER & TITLE:	GOV019	STATEMENT OF BUSINESS ETHICS POLICY
WORD DOCUMENT ID:	DOC/26/6581	
VERSION:	4.0	
ADOPTED MEETING DATE:	Click or tap to enter a date.	
REVIEW DUE:	Four yearly or following change of legislation or incident	
VERSION AMENDMENTS:	Updated to new Template	

RESPONSIBLE DEPARTMENT:	Corporate Services
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STATEMENT OF BUSINESS ETHICS

POLICY OBJECTIVE

This Policy establishes Wentworth Shire Council's commitment to conducting all business activities with the highest standards of ethical behaviour, integrity and accountability.

It ensures that Council and all parties dealing with Council understand and uphold share expectations of ethical conduct consistent with the *Local Government Act 1993* (NSW), Code of Conduct, Fraud and Corruption Control Framework, and relevant legislation.

1. POLICY STATEMENT

Wentworth Shire Council is committed to acting honestly, fairly and responsibly in all business dealings. Council expects that all individuals and organisations engaging with Council, including suppliers, contractors, consultants, tenderers, and business partners, demonstrate ethical behaviour aligned to Council's values and uphold the standards of conduct required of public officials.

Council applies the ethical principles contained in this Policy when planning, procuring and managing business relationships. Detailed behavioural expectations, obligations and guidance for suppliers are outlined in the Statement of Business Ethics Guide (Attachment A).

2. POLICY COVERAGE

This Policy applies to:

- Councillors
- Council staff and volunteers
- All suppliers, contractors, tenderers, consultants, business partners, and individuals dealing with Council
- Any subcontractors engaged to perform work for Council

All parties must comply with this Policy and the standards described in the attached Guide.

3. STRATEGIC PLAN LINK

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

Title: GOV019	STATEMENT OF BUSINESS ETHICS POLICY	V4.0	Version date: XX/XX/XXXX
DOC ID: DOC/26/6581	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Wentworth Shire Council
Corrupt Conduct	Dishonest or partial exercise of functions that may constitute a criminal or disciplinary offence
Impartiality	Undertaking business in a fair, objective and consistent manner
Maladministration	Unreasonable, unjust, oppressive or improperly discriminatory actions.
Transparency	Visible and verifiable confirmation of the integrity of the purchasing process and compliance with relevant legislation and adopted Council procedures.

5. POLICY CONTENT

Council's business relationships are guided by the following principles:

- **Integrity** - acting honestly and ethically in all dealings
- **Transparency** - conducting business openly and accountably
- **Impartiality & Fairness** - treating all suppliers equitably and without bias
- **Lawfulness** - complying with legislation and statutory obligations
- **Accountability** - ensuring decisions are documented and defensible
- **Public Interest** - prioritising outcomes that serve the community
- Zero Tolerance for Corruption, Maladministration or Serious Misconduct.

Roles & Responsibilities

- **Council Officers** - must act ethically, comply with governance frameworks, and report any suspected wrongdoing
- **Suppliers and Business Partners** - must comply with this Policy and the more detailed expectations in the Guide (Attachment A)
- **Council Management** - must ensure staff are trained and that suppliers are aware of their obligations.

Breaches

Failure to comply with this Policy may result in actions including:

- Exclusion from future work
- Termination of contracts
- Reporting to external integrity bodies (ICAC, OLG, NSW Police)

Title: GOV019	STATEMENT OF BUSINESS ETHICS POLICY	V4.0	Version date: XX/XX/XXXX
DOC ID: DOC/26/6581	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

6. RELATED DOCUMENTS AND LEGISLATION

Legislation

- *Local Government Act (NSW) 1993*
- *Local Government (General) Regulation 2021*
- *Public Interest Disclosure Act 2022 (NSW)*
- *Modern Slavery Act 2018 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*
- *Independent Commission Against Corruption Act 1998 (NSW)*
- *State Records Act 1998 (NSW)*

Council Policies

- GOV001 - Gifts and Benefits Policy
- GOV004 - Internal Reporting Policy
- GOV005 - Procurement Policy
- GOV007 - Privacy Management Policy
- GOV008 - Public Access to Information Held by Council Policy
- GOV013 - Enterprise Wide Risk Management Policy
- GOV020 - Code of Conduct Policy
- GOV022 - Compliance Policy
- GOV023 - Conflicts of Interest Policy

Council Documents

- Compliance Framework
- Enterprise Wide Risk Management Framework
- Governance Framework
- Complaints Management Framework
- Procurement Manual
- Privacy Management Plan
- Records & Information Management Policy (Operational)
- Gifts and Benefits Register
- Conflicts of Interest Register

7. ATTACHMENTS

Statement of Business Ethics Guide (Supplier & Business Partner Guide)

8. DOCUMENT APPROVAL

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Title: GOV019	STATEMENT OF BUSINESS ETHICS POLICY	V4.0	Version date: XX/XX/XXXX
DOC ID: DOC/26/6581	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

Signed: _____
General Manager Wentworth Shire Council

Click or tap to enter a date.
Date

DRAFT

Title: GOV019	STATEMENT OF BUSINESS ETHICS POLICY	V4.0	Version date: XX/XX/XXXX
DOC ID: DOC/26/6581	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

POLICY NUMBER & TITLE:	GOV024	CREDIT CARD POLICY
WORD DOCUMENT ID:	DOC/25/25711	
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:	Corporate Services
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CREDIT CARD POLICY

POLICY OBJECTIVE

The objective of this Policy is to establish Council's governance framework, principles and accountability requirements for the issue, use and management of corporate credit cards.

Corporate credit cards are recognised as a legitimate and efficient purchasing method for Council business; however, their use presents an elevated risk of misuse and fraud. Accordingly, Council requires robust controls, transparency and oversight to protect public funds, maintain community confidence, and ensure compliance with legislative and ethical obligations.

1. POLICY STATEMENT

Wentworth Shire Council is committed to the ethical, responsible and transparent use of corporate credit cards as part of its financial management framework.

Council credit cards are to be used only for authorised Council business purposes, and are not an entitlement or personal benefit. Council credit card use must comply with legislative requirements, Council's Code of Conduct, financial delegations, and procurement governance arrangements.

Council will apply a risk-based approach to credit card management, supported by preventative and detective controls, independent review, and regular oversight by management and the Audit, Risk and Improvement Committee (ARIC).

2. POLICY COVERAGE

This Policy applies to:

- all Council staff, including the General Manager, who are issued with or authorised to use a Council credit card
- any Council officer responsible for approving, reviewing or monitoring credit card expenditure

This Policy does not replace operational procedures, which detail the practical requirements for card issuance, limits, reconciliation and monitoring.

Title: GOV024	CREDIT CARD POLICY	V2.0	Version date: XX/XX/XXXX
DOC ID: DOC/25/25711	Do not use this policy in printed form without first checking it is the current version		



COUNCIL POLICY

3. STRATEGIC PLAN LINK

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

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

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
ARIC	Audit, Risk and Improvement Committee established in accordance with the <i>Local Government Act 1993</i> (NSW) to provide independent assurance and oversight of Council's governance, risk management and internal control frameworks
Cardholder	A Council Officer who has been formally authorised and issued with a Council corporate credit card in accordance with this Policy
Corporate Credit Card	A credit card issued in Council's name for the purpose of making authorised business-related purchases on behalf of Council.
Council	Wentworth Shire Council
Delegated Authority	Authority to approve expenditure or financial transactions as granted under Council Delegation Policy.
Financial Delegations	Limits and approvals for expenditure assigned to positions within Council Procurement Framework.
Legitimate Council Business	Expenditure that is necessary, reasonable and directly related to the performance of Council's functions and operational activities
Risk-Based Approach	An approach that applies controls and oversight proportionate to the level of financial, reputational and compliance risk associated with credit card use
Supporting Documentation	Original tax invoices, receipts or other evidence required to substantiate credit card transactions for reconciliation and audit purposes

5. POLICY CONTENT

Council's use and management of credit cards is guided by the following principles:

- Integrity and ethical conduct**
 Credit card use must meet the highest standards of honesty and propriety and be capable of withstanding public scrutiny.
- Business necessity**
 Credit cards should only be used where their use is efficient and appropriate for Council operations, particularly for low-value, time-critical or one-off transactions.

Title: GOV024 CREDIT CARD POLICY	V2.0	Version date: XX/XX/XXXX
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COUNCIL POLICY

- **Value for money**

All credit card expenditure must deliver value for money and comply with Council's procurement framework.

- **Accountability and transparency**

All transactions must be fully documented, reviewed and auditable.

- **Risk management**

Credit card use is treated as a high-risk activity and is subject to enhanced internal controls and monitoring.

5.1 Authorisation and Delegation

Credit cards may only be issued to Council officers whose role and delegated authority reasonably require access to a credit card.

The issue, cancellation, credit limits and permitted use of credit cards must align with:

- Council's Delegations Policy
- approved financial delegations applicable to the officer's position

The number of credit cards issued is to be minimised and reviewed periodically to ensure ongoing business need.

The General Manager is to authorise the establishment of all credit cards. Applications for credit card are to include details of the need for the facility and proposed use of the card. The approval will be based on the position held within Council.

5.2 Acceptable and Prohibited Use

Credit cards may only be used for legitimate Council business purposes that are:

- within the cardholder's delegated authority
- within approved budgets
- compliant with procurement requirements

Credit cards must not be used for:

- any personal or private expenditure
- cash advances, ATM withdrawals or money transfers
- transactions that bypass approved procurement processes
- transactions that create a real or perceived conflict of interest

Any personal expenditure, whether deliberate or accidental, is strictly prohibited and will be treated as a breach of this Policy.

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COUNCIL POLICY

The General Manager may revoke or suspend a cardholder's credit card at any time where there is evidence of misuse, non-compliance with this policy or associated procedures, or where the business need for the card no longer exists.

Cancellation of a credit card may occur independently of, or in addition to, any disciplinary or corrective action.

5.3 Cardholder Responsibilities

Cardholders are personally responsible for:

- safeguarding the credit card and associated access credentials
- ensuring all transactions are lawful, authorised and for Council business only
- retaining appropriate supporting documentation
- completing reconciliations accurately and within required timeframes
- cooperating with monitoring, audit and review processes

Cardholders may be held personally liable for unauthorised or inappropriate expenditure.

5.4 Controls, Monitoring and Review

Council will maintain effective internal controls over credit card use, including:

- documented procedures governing issuance, use, reconciliation and cancellation
- independent review and approval of reconciliations
- regular monitoring for unusual or non-compliant transactions
- maintenance of a current register of all credit cards issued

Credit card usage will be subject to periodic internal audit and review.

5.5 Oversight and Reporting

Council's Audit, Risk and Improvement Committee (ARIC) will provide independent oversight of credit card governance as part of its broader remit to review:

- internal controls and risk management arrangements
- compliance with this Policy and supporting procedures
- findings from audits, reviews or investigations related to credit card use

Management will report significant breaches, systemic issues or emerging risks to the ARIC as appropriate.

5.6 Training and Awareness

Council will ensure that cardholders and approving officers receive appropriate guidance and awareness training regarding:

Title: GOV024 CREDIT CARD POLICY	V2.0	Version date: XX/XX/XXXX
DOC ID: DOC/25/25711	Do not use this policy in printed form without first checking it is the current version	



COUNCIL POLICY

- ethical use of credit cards
- financial delegations and procurement obligations
- fraud and corruption risks

6. RELATED DOCUMENTS AND LEGISLATION

Legislation

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

Council Policies

- GOV003 – Fraud Control Policy
- GOV004 – Internal Reporting Policy
- GOV005 – Procurement Policy
- GOV009 – Delegation Policy
- GOV013 – Enterprise Risk Management Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy

Council Documents

- Procurement Manual
- Legislative Compliance Framework
- Governance Framework
- Fraud Control Plan
- Compliance Framework
- Enterprise Wide Risk Management Framework

7. ATTACHMENTS

8. DOCUMENT APPROVAL

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Signed: _____
General Manager Wentworth Shire Council

[Click or tap to enter a date.](#)
Date

Title: GOV024 CREDIT CARD POLICY	V2.0	Version date: XX/XX/XXXX
DOC ID: DOC/25/25711	Do not use this policy in printed form without first checking it is the current version	

9.11 AF003 REQUESTS FOR FINANCIAL ASSISTANCE

File Number: RPT/26/402

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

Summary

Council has provided an allocation of \$200,000.00 for the 2026/27 financial year for consideration by Council, for the funding of requests from the community for financial assistance. In this financial year, \$127,468.00 has been granted to a variety of organisations through the annual fees and charges "Exemptions from the Application" process.

The total value of requests granted so far under delegated authority is \$6,513.00. The total value of requests for Round 1 of the 2026/2027 funding application period totals \$12,096.59 which if granted in full would leave a balance in the financial assistance program of \$53,922.41

Financial Assistance Program starting balance 2023/24	\$200,000.00
Annual fees & charges annual exemptions granted	\$127,468.00
Granted under delegated authority to July 2026	\$ 6,513.00
Available balance as at 25 July 2026	\$ 66,019.00
Round 1 Financial request applications received to 24/7/2026	\$ 12,096.59
Remaining balance if all approved	\$ 53,922.41

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.

Detailed Report

Purpose

The purpose of this report is to consider requests for financial assistance that have been received within the current application period.

Background

Council's ability to make financial contribution and/or in-kind assistance are set out in Section 356 of the *Local Government Act 1993*. To assist Council in its compliance requirement, Council has adopted a Financial Assistance Policy (AF003) and has provided a funding allocation of \$200,000.00 for the 2026/27 financial year.

Report Detail

In this current application period, there have been four (4) requests for assistance received from community organisations. The total value of the requests under consideration is \$12,096.59

A review of the applications has determined that the applications meet the program guidelines.

The Financial Assistance Policy (AF003) allows for requests for fee waivers up to the value of \$2,000 to be determined under delegated authority by either the Director Corporate Services or the General Manager.

During this application period the following five (5) requests totalling \$6,513.00 have been approved under delegated authority:

\$1006.00 – Plus Community, Staying Home, Leaving Violence – Hire of Midway Function Room & Service Kitchen

\$1500.00 – Murray Regional Tourism – Hire of Wentworth Conference Room

\$2000.00 - Buronga Saint Rocco – Hire of Midway Stadium, Function Room & Service Kitchen

\$1050.00 – Veteran Car Club Australia - Hire of Wentworth Conference Room

\$957.00 – Dareton Kennel Club – Reimbursement of short term license fee & bins

Additional information

The August grant round marks the beginning of the annual grants program. Council considers applications under this program across four application rounds each financial year.

Conclusion

Council has received requests for financial assistance under this round of the program to the value of \$12,096.59. The sum of \$6,513.00 worth of fee waiver have been approved under delegated authority

Attachments

1. Financial Assistance List [↓](#)
2. Financial Assistance Applications August 2026 (Under Separate Cover) [⇒](#)

FINANCIAL ASSISTANCE APPLICATIONS LIST

AUGUST 2026

Organisation/Recipient	Type of Request	Request Value \$	\$ Amounts granted in 2025/26	Details of Request
Murray Darling Amateur Swimming Group	Grant	\$5,000.00	\$0.00	Upgrade swimming equipment, signage, black stroke, computer, printer, esky & fridge
Dareton Community Action Team	Grant	\$429.87	\$419.79	Payment of "One Music" account so that music can be played during Community events
Wentworth Military Collection	Grant	\$5,000.00	0	Funding requested to purchase building materials for the internal walls of Dareton exhibition space
Rubys Cargo	Grant	\$1,666.72	\$1707.60	Requesting money to cover public liability & volunteer insurance
		\$12,096.59		

9.12 REQUEST FOR EVENT FUNDING 2026 POONCARIE RACES

File Number: RPT/26/454

Responsible Officer: Simon Rule - Director Corporate Services
 Responsible Division: Corporate Services
 Reporting Officer: Aaron Hawkins - Manager Corporate Services

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving region
 Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council has received a request from the Pooncarie Racing Club seeking funding support for the Pooncarie Races in 2026. The event organiser is seeking \$10,000 in cash sponsorship under the Event Funding Program to support a well-established major event operating in the rural township of Pooncarie. The event is projected to attract 500 visitors from outside the Wentworth region, each staying 2-3 days, plus bring both Wentworth and Mildura locals out to Pooncarie. Estimated at 1500 total attendees.

Assessment against the program criteria indicates that the event delivers significant economic value, with conservative modelling indicating the event is likely to inject approximately \$300,000 within the local economy, plus extra multipliers. Further to this, the community benefit of such an event is hard to put a figure on.

Recommendation

That Council based on the information provided in the report approves funding as it deems appropriate using the options provided.

Detailed Report

Purpose

The purpose of this report is to inform Council of the request for Event funding and seek Council approval for funding support for the delivery of the 2026 Pooncarie Races

Background

The Pooncarie Racing club was established in 1891. The races are therefore a very long standing event with traditions as well as community and economic impacts.

The event aligns with Council's objectives to support economic development, tourism and activation of local communities.

Matters under consideration

The funding application has been assessed by a panel consisting of the following Council Officers:

- Director Corporate Services
- Manager Business & Corporate Services
- Visitor Servicing and Events Officer

The Pooncarie Races is one of the region's longest-running community events, having been held since 1891. The event has become a significant fixture on the Wentworth Shire events calendar, attracting visitors from across the region while celebrating the unique character and heritage of Pooncarie.

The event is expected to attract more than 500 visitors from outside the region, with many staying for two to three nights, providing a valuable boost to local accommodation providers, hospitality businesses, fuel outlets and other local services. In addition, the event attracts around 1,000 local attendees, delivering strong community participation and supporting the local economy. Remplan was used to make conservative predictions of economic impact with favourable results.

Council provided \$5,000 in sponsorship for the previous event. For this year's event, the organisers have submitted a formal application through Council's Event Funding Program requesting \$10,000 in financial support. The assessment panel reviewed the application against the program criteria and requested additional information to support the increased funding request. The information provided demonstrated the ongoing growth of the event, its strong economic and community benefits, and the continued promotion of the Wentworth Shire as a visitor destination.

Options

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

- a) Provide the full \$10,000
- b) Provide a partial contribution between requested and the \$5000 maximum financial contribution requested last year
- c) Decline the request

These options should be considered in light of the event's demonstrated economic impact, community benefits, and alignment with program objectives

Legal, strategic, financial or policy implications

The requested funding for 2026 event can be accommodated within the Events Funding Budget. The budget for 2026/2027 is \$160,000. So far Council has approved \$35,000 from the budget.

Conclusion

Based on the assessment, the panel considers the application to demonstrate strong alignment with the objectives of the Event Funding Program. The event has a proven history of successful delivery, generates significant visitation and overnight stays, and continues to provide substantial economic and community benefits across the Wentworth Shire.

Attachments

- 1. Application (Under Separate Cover)⇒
- 2. Remplan Report (Under Separate Cover)⇒
- 3. Insurance & Budget (Under Separate Cover)⇒

9.13 REQUEST FOR EVENT FUNDING 2026 CHRSTMAS EVE STREET PARTY

File Number: RPT/26/456

Responsible Officer: Simon Rule - Director Corporate Services
 Responsible Division: Corporate Services
 Reporting Officer: Aaron Hawkins - Manager Corporate Services

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving region
 Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council has received a request from the Wentworth Regional Community Project Association Inc seeking funding support for the 2026 Wentworth Christmas Eve Street Party and Fireworks.

Assessment against the program criteria indicates that the event delivers significant community value, and some economic value.

Recommendation

That Council based on the information provided in the report approves funding as it deems appropriate using the options provided.

Detailed Report

Purpose

The purpose of this report is to inform Council of the request for Event funding and seek Council approval for funding support for the delivery of the 2026 Wentworth Christmas Eve Street Party

Background

The Christmas Eve Street Party has ran for many years and is an integral part of Christmas in Wentworth..

The event aligns with Council's objectives to support economic development, tourism and activation of local communities.

Matters under consideration

The funding application has been assessed by a panel consisting of the following Council Officers:

- Director Corporate Services
- Manager Business & Corporate Services
- Visitor Servicing and Events Officer

The Wentworth Christmas Eve Street Party is a long-standing community event that brings residents together to celebrate the festive season in the heart of Wentworth. The event is expected to attract approximately 500 attendees, with participation primarily from the local community.

Unlike events that focus on attracting overnight visitors, the Christmas Eve Street Party delivers its greatest value through community participation, social connection and activation of the Wentworth town centre. While the event generates some expenditure for local

businesses, its primary benefit is strengthening community wellbeing and providing a free, family-friendly event for residents and visitors already in the region.

The organisers have requested \$8,000 through Council's Event Funding Program. During the assessment, the panel noted that the application aligns more closely with Council's Financial Assistance Program, given its predominantly community focus and limited tourism and economic impact. However, acknowledging the event's long-standing contribution to the community and the direction provided to present the application for Council's consideration, the panel has assessed the application against the Event Funding Program criteria and deems it worthy of consideration. Last year the event received \$7,700.

Options

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

- a) Provide the full \$8000
- b) Provide a partial contribution (\$7,700 provided last year)
- c) decline the request

These options should be considered in light of the event's demonstrated economic impact, community benefits, and alignment with program objectives

Legal, strategic, financial or policy implications

The requested funding for 2026 event can be accommodated within the Events Funding Budget. The budget for 2026/2027 is \$160,000. So far Council has allocated \$35,000 from the budget.

Conclusion

Based on the assessment, the panel recognises the strong community value of the event but notes that it demonstrates less alignment with the economic and tourism objectives of the Event Funding Program than other applications considered under this round. Council may wish to consider the application on its community merits and determine an appropriate level of support.

Attachments

1. 2026 Event Funding Application Wentworth Christmas Street Party (Under Separate Cover)⇒
2. Budget - 2026 Wentworth Christmas Eve Street Party (Under Separate Cover)⇒

9.14 DA2023/132 PONTOON 163 POONCARIE ROAD LOT 4 DP 1239541 WENTWORTH

File Number: RPT/26/410

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 (DA2023/132) was lodged with Council on 24 November 2023 for a pontoon (retrospective approval) at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth.

Under the R5 Large Lot Residential zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development of a pontoon (water recreation structure) is permitted with consent.

The Wentworth Local Environmental Plan 2011 defines a water recreation structure as:

- **water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

It is noted that the application is for retrospective approval for the pontoon. The pontoon already exists on the site and constitutes illegal building work, as the structure was constructed upon the site without consent. Appropriate methods of managing illegal building works are through enforcement action and/or through a Building Information Certificate (BIC). In this instance, applying for a Building Information Certificate, and having this assessed and approved, before relodging a development application for land use approval is considered the most appropriate pathway for managing illegal building works upon the site.

It is well known in NSW planning law that the requirement for obtaining consent, where required for development, is a prerequisite to the commencement of development construction, this is demonstrated in the case law example below.

Unauthorised works

It is not possible to obtain retrospective approval for works undertaken without consent (*Kuring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177 [at 40]*), therefore those parts of the proposed development which are already constructed cannot form part of this application and cannot be regularised by this application. A Building Information Certificate must be lodged to prevent Council from seeking the rectification of those works as approved.

For Council to be able to approve a development application for a pontoon, matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

- The application is recommending refusal.

Recommendation

That Council:

1. Refuse DA2023/132 for a pontoon (retrospective approval) at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth subject to reasons.
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 DA2023/132, having consideration to the details provided both within this report and the attachments provided.

Background

A development application (DA2023/132) was lodged via the NSW Planning Portal on 24 November 2023 for a pontoon (retrospective approval) at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth. To date, the matters preventing approval have not been addressed.

Under the R5 Large Lot Residential zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (pontoon “water recreation structure”) is permitted with consent.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The attached 4.15 Assessment report indicates that the application can comply with prescribed matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*, however, development consent can only be provided for ongoing land use upon completion of the Building Information Certificate process, and cannot approve works retrospectively.

The proposed development for a pontoon (water recreation structure) is permitted with consent under the R5 Large Lot Residential zoning of WLEP 2011.

The application was referred to the Department of Primary Industries (Fisheries) as Integrated development under clause 201 of the *Fisheries Management Act 1994*; Transport for NSW (Maritime) under clause 5.11 & 5.12 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*; and to the *Department of Climate Change, Energy, the Environment and Water – Water Group* as Integrated development under clause s91 of the *Water Management Act 2000*. Responses from external agencies are provided in the documents attached.

Council requested the applicant lodge an application for a Building Information Certificate (BIC) via the NSW Planning Portal on 3 April 2024, stating that the development application would not be further considered until the successful determination of the BIC.

On the 23 July 2026, Council added a request for further information in response to an enquiry from the Department of Planning, Housing and Infrastructure to provide updates on development applications that have been active on the NSW Planning Portal for more than 180 days but not determined. This request further supports the Minister’s Environmental Planning and Assessment (Statement of Expectations) Order signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

The additional information request provided the option for the applicant to withdraw the application by close of business 31 July 2026.

The requested actions made to the applicant to withdraw the application, as stated above, were not addressed within the extended timeframe, now 28 months or 851 days.

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

- The application is recommending refusal.

In summary, the development application in its current form can comply with matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, however, Council does not have the authority to approve development works retrospectively. A Building Information Certificate process is the most appropriate method to manage illegal building works.

Upon completion of the Building Information Certificate process and approval, a development application for relevant land use can be made.

Refer to attachment 4 – Section 4.15 Assessment report

Refer to attachment 5 – Combined External Agency responses

Options

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

Refuse DA2023/132 for a pontoon (water recreation structure) at 163 Pooncarie Road Lot 4 DP 1239541 Wentworth subject to the following reasons:

- a. Building works were completed without consent.
- b. Retrospective approval cannot be provided by Council.
- c. There is no Building Information Certificate approval in place.

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*.

Should Council issue an approval for the application, anyone can challenge the validity of the consent or remedy a breach to the planning act under section 4.59 and 9.45 respectively 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 refuse to issue development approval subject to reasons.

Attachments

1. Development application (Under Separate Cover) [↗](#)

2. Statement of Environmental Effects [↓](#)
3. Plans (Under Separate Cover) [⇒](#)
4. 4.15 Assessment Report [↓](#)
5. Agency responses (Under Separate Cover) [⇒](#)

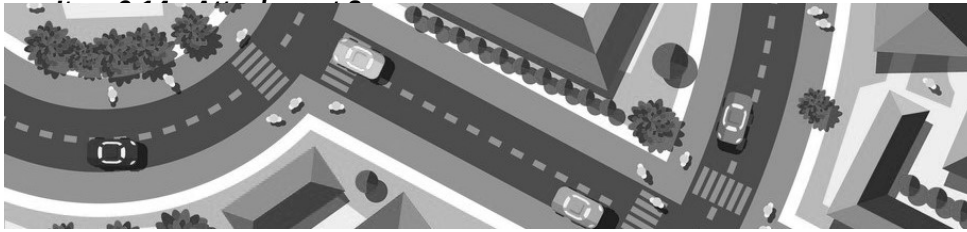


Planning Submission

Water Recreation Structure (Pontoon)

**163 Pooncarie Road
Wentworth, NSW, 2648**





Introduction

This statement of environment effects has been prepared in support of a development application for a water recreation structure associated with the existing use of a dwelling at the site known as 163 Pooncarie Road, Wentworth.

Subject site and surrounding area

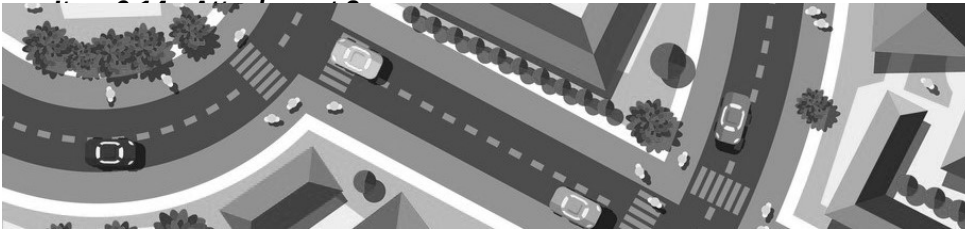
Site Description

The subject site, Lot 4 DP1239541, is a 10218m² allotment located adjacent the Darling River, 3kms north-east of the Wentworth Township. The subject land is rectangular in shape and contains an existing dwelling which is currently in the process of being replaced with a new dwelling. Access is currently provided from Pooncarie Road.

The proposed development is located along the Riverbank (crown land) adjacent to the subject lot. The proposed section of the riverbank has been subject to significant ground disturbance due to the residential subdivision being artificially developed. A number of adjoining properties currently enjoy similar natured developments (pontoons etc).

The surrounding area generally comprises similar sized large-lot residential allotments, with a number of the parcels already containing existing dwellings and associated structures.

The subject site appears to have access to reticulated electricity, telecommunications, water and effluent is managed onsite with a septic system.



Aerial Image of the Site and Surrounding Area



Figure 1: Subject site and immediate surrounds (site highlighted)

Site Photos



Figure 2: Proposed Pontoon

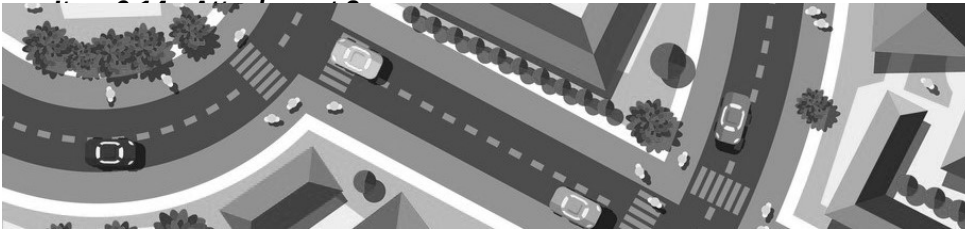


Figure 3: Proposed Pontoon



Figure 4: Proposed Pontoon (top view)

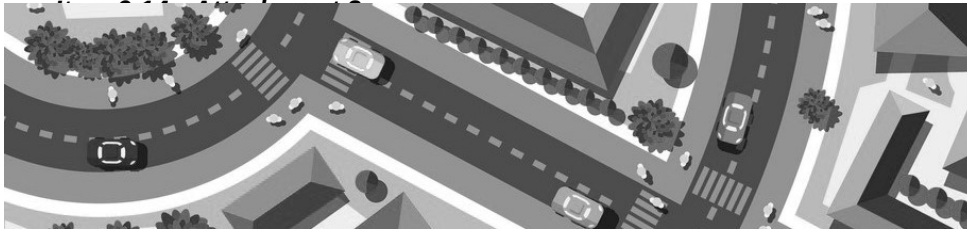


Figure 5: Showing river width

Proposal

This proposal seeks to develop a water recreation structure (pontoon) which is proposed to be located along the riverbank. Detailed plans have been provided with the application.

Pursuant to the provisions of the Wentworth Local Environment Plan 2011, a Development Consent is required for the development of an outbuilding on the subject land as proposed.

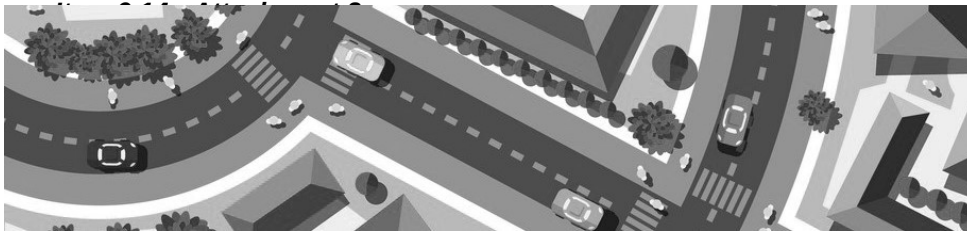
Planning controls

Wentworth Local Environmental Plan 2011 (LEP)

The structure is within the W1 – Natural Waterways Zone.

The objectives of the zone are:

- *To protect the ecological and scenic values of natural waterways.*



- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*

This application proposes development that allows users of the existing dwelling to have a location where they can enjoy the River. The structure has been designed with little impact to the riverbank. It should be noted that no boats are associated with this structure. No native vegetation is required to be removed as part of this development.

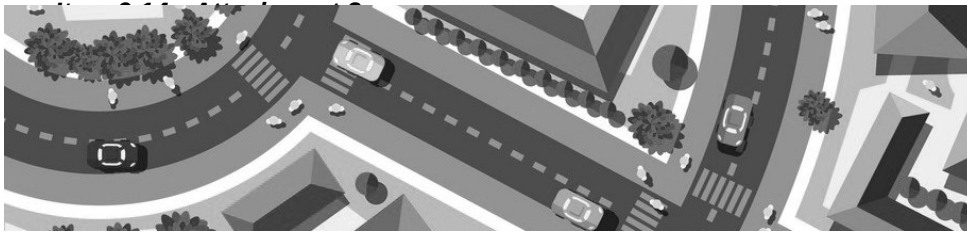
Clause 5.21 Flood planning

The objectives of this clause are as follows—

- *to minimise the flood risk to life and property associated with the use of land,*
- *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- *is compatible with the flood function and behaviour on the land, and*
- *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- *incorporates appropriate measures to manage risk to life in the event of a flood, and*



- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Discussion

The proposed development has been designed to allow flood water to pass under the structure and can simply be removed during flood times; resulting in minimal to no impacts on the behavior of potential flood water.

The riverbank connection was also designed to be small in size; which will not disturb the overall stability of the River bank. As mentioned previously, no native vegetation is required to be removed as a result of the application.

Risk to life is not considered to be any higher as result of the proposed pontoon implemented as the development can only be utilised when the river is not in a state of flood.

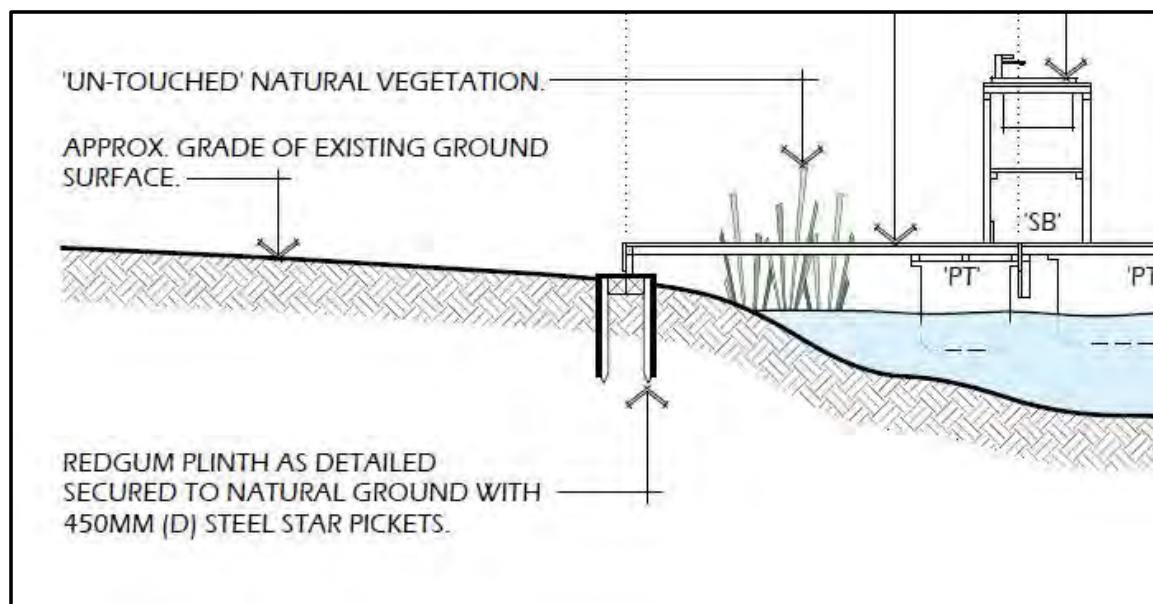
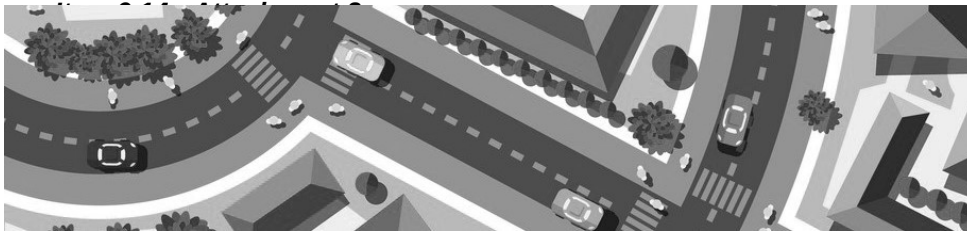


Figure 6: Riverbank connection.



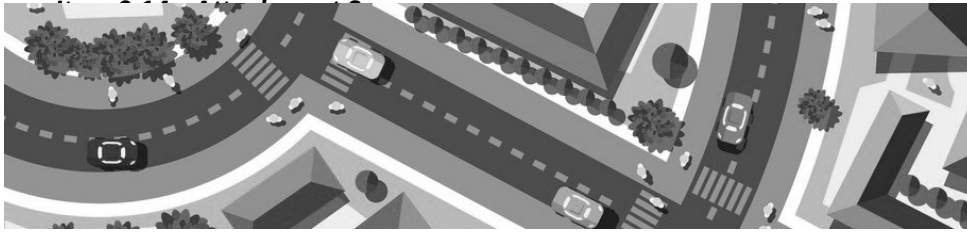
Clause 7.6 Development on river front areas

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.*

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.*

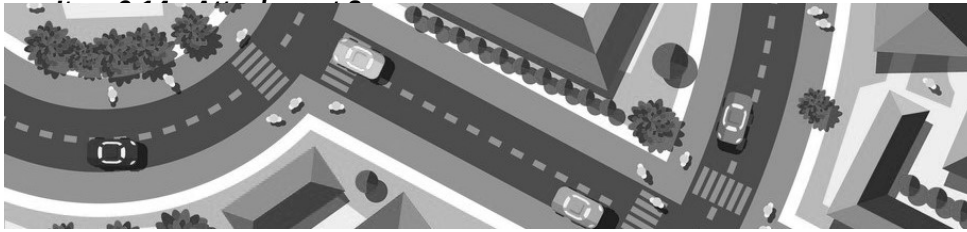
Clause 7.7 Riparian land and Murray River and other watercourses – general principals

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.*



Clause 7.8 Additional provisions – Development on river bed and banks of the Murray River

The objectives of this clause are as follows—

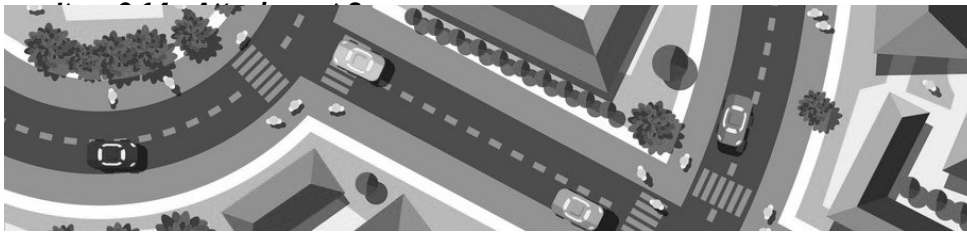
- *to manage and maintain the quality of water in the Murray River,*
- *to protect the environmental values, scenic amenity and cultural heritage of the Murray River,*
- *to protect the stability of the bed and banks of the Murray River,*
- *to limit the impact of structures in or near the Murray River on natural riverine processes and navigability of the River.*

Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied of the following—

- *that the development is likely to contribute to achieving the objectives of the zone in which the land is located,*
- *that the development will not increase erosion,*
- *that the development is not likely to cause an adverse effect on riverine habitat or flora or fauna habitats,*
- *that the development will not cause an adverse effect on drainage or flow patterns.*

Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—

- *that the proposed structure will not be located on an outside bend of the Murray River,*
- *that the appearance of the proposed structure, from both the Murray River and any adjacent land, will be compatible with the surrounding area,*
- *that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.*



Discussion

Due to the design of the proposed development, it is considered that the health of the Darling River will not be significantly impacted on. As the above site images highlight, the area has no native vegetation.

Due to the location of this section of crown land; public access is not common. Drone pictures have been supplied which demonstrate that the proposed pontoon does not significantly encroach into the river.

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

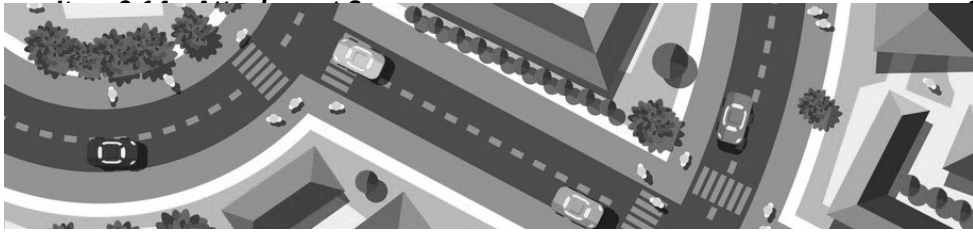
Clause 5.9

When this Part applies, the following must be taken into account—

Flooding

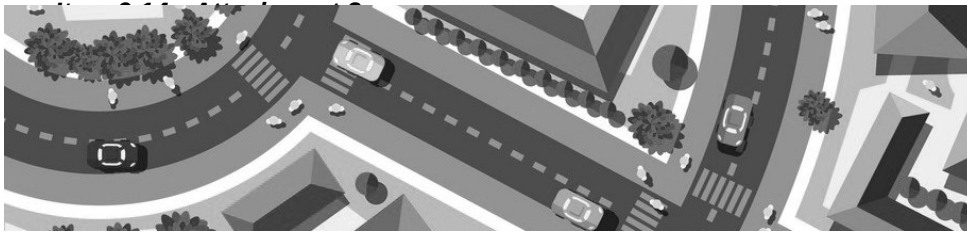
Where land is subject to inundation by floodwater—

- *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.*



Discussion

As mentioned numerous times previously, the development will have minimal impacts on the health of the Darling River and not create any further risk to human life.



Assessment

Visual Impacts

Due to the scale and design of the dwelling, visual impacts are not considered applicable.

Open Space

Not applicable for this application

Overshadowing and Privacy

Not applicable for this application.

Noise

Not applicable for this application.

Erosion Control Measures

No erosion control measures are considered necessary for this development.

Economic and Social Impacts

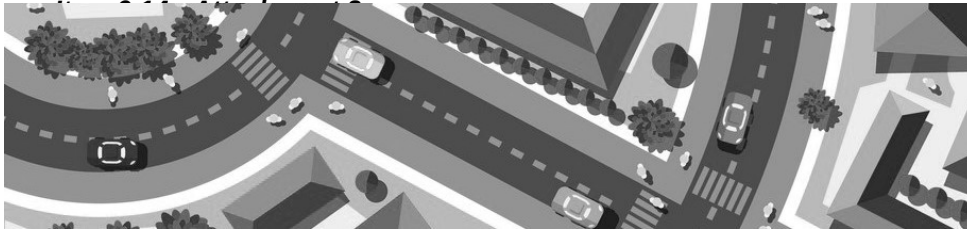
Given the residential nature of this development, economic or social impacts on the locality are not envisaged.

Environmental Benefits

Due to the nature of this development, there are no significant environmental benefits predicted.

Disabled Access

Not applicable for this application



Security, Site Facilities and Safety

Not applicable for this application

Waste Management

Not applicable for this application

Building Code of Australia

The Construction Certificate will be issued by a Building Surveyor who will review the structures compliance with the Building Code of Australia.

Traffic

Traffic will not be impacted on from the proposed development.

Stormwater/flooding

Not applicable for this application

Conclusion

This report demonstrates that the proposal is consistent with the relevant provisions of the Wentworth Local Environmental Plan 2011.

The proposed development is appropriate for the site as it:

- Is appropriately located at the subject site.
- Will have minimal impacts on the locality.
- Will not result in any detrimental impacts on the environment

It is therefore considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the Development of a pontoon as described in this report at 163 Pooncarie Road, Wentworth.

 Wentworth SHIRE COUNCIL	Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	DA Assessment Report Section 4.15 Evaluation Environmental Planning & Assessment Act 1979 as amended
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File Reference:	DA2023/132 & PAN-389466
Property Title & Address:	Lot 4 DP 1239541 & 163 Pooncarie Road Wentworth
Property owner(s):	Neil Andrew Armstrong & Jenny May Armstrong
Applicant(s):	Jackson Planning MJJR Pty Ltd – Matt Jackson
Proposal:	Pontoon (retrospective approval)
Previous DAs:	DA2018/125 Re-erection of existing dwelling DA2023/009 Mooring site
Cost of proposed development:	\$7,999.79

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 4 DP 1239541 & 163 Pooncarie Road located in Wentworth, NSW. The lot has an area of 1.008ha and connects to Pooncarie Road directly from the South, which links the property to the surrounding area.

The subject site is located within the R5 Large Lot Residential and W1 Natural Waterways Zone under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The subject site is a slightly irregular shaped lot with an existing dwelling. The site does not contain a heritage item and is not located within the heritage conservation area. The site is not located within the bushfire prone land, or urban release overlay. The site is located within a floodway, wetland area, terrestrial biodiversity, and flood planning area.

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for a water recreation structure (pontoon) which is proposed to be located along the riverbank.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

A site inspection carried out by the Director of Health & Planning before lodgement of this development application notes that the development is already located on the site – therefore, this approval is retrospective approval and can only be issued for the ongoing land use associated with the water recreation structure - pontoon. The applicant will be required to apply for a Building Information Certificate (BIC) for the structure. The BIC will require assessment and completion before a land use approval under this development application will be issued.



Figure 1. Image of 163 Pooncarie Road Lot 4 DP 1239541 Wentworth dated 6 July 2022.



Figure 2. Image of 163 Pooncarie Road Lot 4 DP 1239541 Wentworth dated 30 November 2022 during flood event.



Figure 3. Image of 163 Pooncarie Road Lot 4 DP 1239541 Wentworth dated 17 April 2023. Pontoon (water recreation structure) already constructed.

The application has been applied for as integrated development under the Water Management Act 2000.

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed development is located on land over 1 ha in size, with no native vegetation removal proposed for this development, no known koala habitat exists in this area. As such, Chapter 4 of the SEPP is not applicable for this DA.

An assessment against Chapter 5, **clause 5.9** principles of the SEPP are as follows:

1. Access
Land is freehold with existing private access to the river. The development will not change access to the river.
2. Bank disturbance
The development will be conducted within the bank and bed of the waterway. Bank and bed protection measures will be required to protect the bank/bed from disturbances caused by the development. The development is stated as not significantly encroaching on the river.
3. Flooding
The land is located on flood liable land. An assessment against these principles are as follows:
 - a. The land is already disturbed, no disturbances or benefits to riverine ecosystems.
 - b. The land is flood liable with risks of flooding during flood events, during these event the proposed pontoon can be removed from use. This is especially relevant due to the increase in extreme weather events caused by Climate change.

- c. The proposed floating pontoon is not deemed to have detrimental effect on the redistribution of floodwater as it will be situated on a pivot and move up and down with the rise and fall of the water level.
 - d. The floating pontoon has a tie to the river as a water recreation structure and cannot be located anywhere else on the land.
 - e. Required services are available to the site, however the land including the accessway are all within flood liable land. Proposal is not a habitable, removable structure, with no risk to human life if flooded.
 - f. The land is expected to continue being used for residential purposes with the private access to the waterway for recreational use being ancillary to the existing residential use. Minimal risk of pollution during a flood event.
 - g. The floating pontoon will be in line with the existing structures with no significant changes to flood waters anticipated.
 - h. Noted
4. Land Degradation
Development consent will be conditioned to minimise impacts of the development on the land as required. Noting that the approval is retrospective.
 5. Landscape
No tree removal is proposed as part of the development. Any tree planting on the land will need to match with the native vegetation currently on the land.
 6. River related use
The proposed development has a demonstrated essential relationship with the river as a water recreation structure.
 7. Settlement
The proposed development is for a floating pontoon and does not propose creating a residential settlement.
 8. Water Quality
Any work and subsequent uses of the land must be managed and designed to not cause any pollution of the waterway. If approved, the determination will be conditioned to ensure water quality measures are in place as required.
 9. Wetlands
The land is located within the wetland area as per WSC mapping. However, the water recreation structure (floating pontoon) will be installed on a pivot to rise and fall with the water level. Minimal ground disturbance and impacts of the wetlands are anticipated to be caused by this development.

An assessment against **clause 5.13** principles is as follows:

- **Building setback:** The proposed development is dependent on a location adjacent to the Darling River.
- **Matters to be considered**
 - o **Effluent disposal:** Not applicable
 - o **Landscaping:** Not applicable

Wentworth Local Environmental Plan (LEP) 2011**Zone objectives and permissibility**

The proposed water recreation structure - floating pontoon is permitted with consent under R5 Large lot residential and W1 Natural Waterways zones. The proposed development meets the zone objectives of the relevant zones under which the subject site is located.

Clause 5.21 Flood planning

An assessment of the proposed floating pontoon against clause 5.21(2) is as follows:

- a. Development is not anticipated to change the flood behaviour and can be removed in flood events.
- b. Development is for a floating pontoon and will not increase flood impacts on land and adjoining lands.
- c. Not applicable.
- d. The proposed floating pontoon will not pose a risk during flood events as they will be on a pivot point mounted on the bank.
- e. Erosion and sediment control measures proposed and conditioned.

An assessment of the proposed floating pontoon against clause 5.21(3) is as follows:

- a. The floating pontoon will be mounted with a pivot point attaching the structure to the bank. The structure will be made from galvanised steel star pickets attached to redgum plinths, secured by threaded rod.
- b. No significant building proposed
- c. Not applicable
- d. Not applicable

Clause 7.1 Earthworks

Any earthworks will form part of this approval and will be ancillary to the main approval. However, standards will still need to be followed during any earthworks.

Clause 7.4 Terrestrial Biodiversity

The proposed development complies with this clause as the development will have a minimal footprint with little disturbance to the bank. No native vegetation removal proposed.

Clause 7.5 Wetlands

The proposed development complies with this clause as the development will have a minimal footprint with little disturbance to the bank. No native vegetation removal proposed.

Clause 7.6 Development on River front areas

The proposed development is located within river front land. The development is a type allowed within the river front area (water recreation structure) and meets the clause objectives.

Clause 7.7 Riparian land and Murray River and other watercourses—general principles

The proposed development complies with this clause as the development will have minimum bank and bed disturbance. The nature of the structure and conditions of consent will ensure compliance with this clause.

Clause 7.8 Additional provisions—development on river bed and banks of the Murray River

The proposed development meets the relevant standards of the clause. The water recreation structure – floating pontoon has been located at this address for some time. The application identifies how the structure meets the objectives of development on the banks and bed of the Darling River.

Wentworth Development Control Plan (DCP) 2011

The proposed development is acceptable against Chapter 4 provisions of the Wentworth Development Control Plan (DCP) 2011.

Wentworth DCP	Chapter	Y	N	N/A	Further information
	Chapter 4 4.1.1 Site context			X	N/A as not a building. The proposed water recreation structure - pontoon will not be out of character with other similar development along the riverbank in this area to facilitate private recreational water activities
	4.1.2 Streetscape			X	The proposed water recreation structure will cause minimal visual impact to the area, it will not be visible from the roadway. Materials used will allow visual integration with the surroundings and be like other water recreation structures along the bank of the river.
	4.1.3 Front Setback			X	N/A as not a building
	4.1.4 Side setbacks			X	N/A as not a building
	4.1.5 Rear setback			X	N/A as not a building
	4.1.6 Walls on Boundaries			X	N/A as not a building
	4.1.7 Building heights and overshadowing			X	N/A as not a building
	4.1.8 Site Coverage			X	N/A as not a building
	4.1.9 Private open space			X	N/A as not a building – site offers room for private open space
	4.1.10 Energy & solar access			X	N/A as not a building
	4.1.11 Daylight to existing windows			X	N/A as not a building
	4.1.12 North facing windows			X	N/A as not a building
	4.1.13 Overlooking			X	N/A as not a building
	4.1.14			X	N/A as not a building

	Fencing and retaining walls				
	4.1.15 Car parking and vehicle access	X			Site offers adequate room for parking and manoeuvrability of vehicles
	4.1.16 Cut and fill	X			Soil management to be conditioned if approved

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations relevant to the proposed development.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The site is surrounded by similar land uses (residential) with associated structures including water recreation structures - pontoon.
Public domain & Streetscape			X	The pontoon would not be visible from the road
Landscaping			X	n/a
Stormwater			X	n/a
Heritage	X			None on the site
Soils & Soils Erosion	X			None expected from the proposed development, as standards will need to be followed during construction.
Air and microclimate	X			Proposed development not anticipated to affect the air or microclimate.
Water Resources	X			None anticipated from the development.
Biodiversity (Flora & Fauna)	X			No native vegetation to be cleared for the development.
Land Resources	X			None located on the site expected to impact the proposed development.
Utilities			X	Not applicable

Access & Parking	X			Direct access to site available, space for parking available on site
Roads & Traffic	X			No new road proposed, traffic will not be impacted by proposal
Solar Access and Energy Efficiency			X	n/a
Overshadowing			X	Not relevant.
Privacy & Overlooking			X	Not relevant.
Flooding	X			In flood affected area. Nature of development will not negatively impact the flooding of the area
Bushfire Prone Area	X			Not in bushfire prone area
Noise	X			As the structure is already in use on the site, no significant noise increase is anticipated
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.

(5) The suitability of the site for development

The site is suitable for the development as it will not have any adverse impact on the locality. The proposed development is permitted by the R5 Large Lot Residential and W1 Recreational Waterways zoning of the area under the Wentworth LEP 2011. The character and use of the proposed development are consistent with existing developments in the surrounding area and support water recreational activities along the river bank of the Murray and Darling Rivers.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days as per the Wentworth Community Participation Plan. No submissions were received.

(7) The public interest

The proposed development is consistent with public interest as it will have no detrimental effect on the surrounding area. Moreover, no objections were made by the surrounding neighbours.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	Discussed with Building Surveyor 06/03/2024 Requirements for building certification? Could include condition for Building Information Certificate if council feels is warranted regarding risk? To be discussed with planning team before determination finalised.

Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

COMMENTS FROM EXTERNAL REFERRALS

Transport for NSW - Maritime: Referred under BCSEPP 2021, s5.11, 5.12

No Objections - Approved with conditions.

Department of Planning and Environment-Water: Referred under Water Management Act 2000 s91 controlled activity – Integrated

Decision not required. Works are considered exempt from the need to obtain a controlled activity approval.

Department of Primary Industries – Fisheries

Referred under the Fisheries Management Act s201 as integrated development.

GTA provided.

Further discussion of the GTA provided with Fisheries (Alison) as recent discussions held between Health & Planning team and Fisheries have not been favourable to supporting existing infrastructure.

19/03/2024 2:10pm Assessing Officer phoned Fisheries and left a message to discuss. After much tooting and froing contact was finally made on 21/03/2024 and discussion had over the provided GTA.

Fisheries are happy to continue with GTA, as provided and explained that the nature of the development would have been approved regardless of it being retrospective. Fisheries indicated that these conditions did not exclude the possibility of further investigation in the future.

As this is not mentioned in the GTA – I suggested that for transparency perhaps this should be mentioned.

Consistency was also discussed as this is not the only recent retrospective approval, within a reasonably small community, council would like to appear consistent in determinations etc.

Fisheries understands this perspective.

Advised that Council would be requiring the completion of a Building Information Certificate for the illegal works, prior to the issuance of development consent for land use of the pontoon.

CONCLUSIONS

1. General comments:
2. The proposal satisfies the points for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned R5 Large Lot Residential and W1 Natural Waterways. The proposal is not considered to have detrimental impact on the site and surrounds.
4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal is consistent with the development controls in Chapter 4 of the Wentworth Shire Development Control Plan (Dec 2011).
5. The proposed pontoon accords with the relevant objectives, provisions and principles of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
6. 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:	Signature:
Kerrie Copley Planning Officer	
Date:	Date:

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

File Number: RPT/26/423

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 (DA2025/021) was lodged with 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.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of court cases decided by the Land and Environment Court, where development approval by Council were determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- Written Land owners consent as per section 23 of the *Environmental Planning and Assessment Regulation 2021*. NSW Crown Land consent has been provided. However, recent legal advice provided to Council in relation to Lot 453 in DP 1217477 indicates that land owners consent will also be required from the Barkandji Registered Native Title Corporate as the native title holders of the land
- 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).

- 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 application was presented to Council at the 13 May 2026 ordinary Council meeting with a recommendation for refusal. A decision was made by Council to defer the matter. The application was presented to Council again at the 15 July 2026 meeting, where the matter was deferred again (laid on the table).

At the 15 July 2026 meeting, Mr Costa was asked whether all of the various matters set out in the assessment report had been dealt with, where he generally indicated that those matters would all be uploaded at the same time that owner's consent was obtained. Mr Costa has uploaded a three page response to the two pages of reasons for refusal outlined in the assessment report. Owner's consent is but one of 12 matters, plus a list of 16 issues which require further information.

At the Council meeting on 15 July 2026 Mr Costa was asked about the request for a site investigation for contamination and he advised that one had been undertaken for the DA for a 124 lot subdivision. It is unclear which DA he was referencing. DA2018/101 which was for stage 1 – subdivision into 17 lots (modified to 18 lots) which was to form part of a (ultimately) 89 lot subdivision of the site (not 124 as referenced in the Council meeting), does not conform with Mr Costa's description – particularly noting that only 18 lots were approved for subdivision.

To date, only the following has been provided:

- Land owners consent from NSW Crown land
- Three (3) page letter

The letter provided was reviewed and noted that it did not address or provide the information required to address the other issues identified as part of the assessment including the jurisdictional preconditions to allow approval of the development application.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

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)

Detailed Report

Purpose

The purpose of this report is to provide information for Council to determine Development Application DA2025/021, having consideration to the details provided both within this report and the attachments provided.

Background

A development application (DA2025/021) was lodged with Council on 11 February 2025 for a manufactured home estate at 78 Corbett Avenue Buronga Lot 2 DP 1300239. The application was presented to Council at the 13 May 2026 ordinary Council meeting with a recommendation for refusal. A decision was made by Council to lay the matter on the table (defer determination). To date, only 1 of the numerous matters have been addressed, and insufficient information has been provided with the development application.

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—
 - c) that comprises one or more major sections, and
 - d) 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.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed development for a manufactured home estate is permitted with consent under the RU5 Village zoning of WLEP 2011.

The access point for the development is proposed via a crown parcel of land. Land owners consent was not provided by the applicant for access via this crown parcel of land. It is well settled in planning law that the requirement for obtaining owner's consent for the making of a Development Application is a 'jurisdictional prerequisite' to the granting of Development Consent. If the consent of the owner of Lot 453 in DP 1217477 is not obtained by the

Applicant as required by clause 23 of the *Environmental Planning and Assessment Regulation 2021*, Council as the Consent Authority has no power to grant its consent to the Development Application. NSW Crown Land consent has subsequently been sought and provided for the development application.

However, recent legal advice provided to Council in relation to Lot 453 in DP 1217477 indicates that land owners consent will also be required from the Barkandji Registered Native Title Corporate as the native title holders of Lot 453.

Chapter 4 of the R&H SEPP applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration. The site involves a change of use from agricultural/horticultural uses to residential uses. Under Chapter 4 section 4.6(2) of the R&H SEPP, if the land is specified in subsection 4.6(4) the consent authority must consider a preliminary investigation. A preliminary site investigation was requested on 26 November 2025 and has not been provided. Chapter 4 of the R&H SEPP is a mandatory consideration which, if not complied with, provides a jurisdictional bar to development consent. As no preliminary site investigation has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

The application was referred to Transport for NSW (TfNSW) under the *State Planning Policy (Transport and Infrastructure) 2021* (TISEPP). Comments from TfNSW indicated that the increase in traffic from the development would necessitate upgrades to the Pitman Road and Silver City Highway junction. Further information was requested in October 2025 from the applicant to address a number of traffic-related issues, which to this date has not been provided.

Chapter 3, Part 8 of the Housing SEPP applies to Wentworth Shire Council and must be considered when approving manufactured home estates. The development application did not satisfy all matters for consideration under the Housing SEPP. This included not fully complying with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

Clause 7.1 of the WLEP 2011, has matters for consideration for Council to approve development application involving earthworks. There was insufficient information for Council to properly consider the matters required for consideration under clause 7.1(3) of the WLEP 2011. Accordingly, the assessment required by clause 7.1 of the WLEP 2011 was unable to be undertaken. The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* provides design requirements for manufacture home estates but does not include earthwork requirements. Manufactured home estate earthworks should be identified and approved as part of the development application and form part of condition of consent.

Clause 7.2 of WLEP 2011 requires consideration to be given to the adequacy of essential services available to the site. All services connections will be required to be made over the Crown Land, for which no owner's consent has been granted. There is insufficient information for Council to be satisfied as to the adequacy of essential services to the site (water, sewer and drainage).

During public exhibition, 9 submissions (2 from the same submitter) were received to the development application. Several matters raised in the submissions were not adequately addressed by the applicant. Please refer to the attached table of submissions.

In summary, the development application in its current form does not comply with matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*. This includes not complying with jurisdictional matters which do not give Council the jurisdictional power to grant consent to the development application.

Refer to attachment 4 – Table of submission

Refer to attachment 5 – Section 4.15 Assessment report

Refer to attachment 6 – Submissions

Refer to attachment 7 – Traffic Impact Assessment Report

Refer to attachment 8 – Additional information following July Ordinary Council Meeting

Refer to attachment 9 – Council response to Additional information

Options

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

1. Refuse DA2025/021 for a manufactured home estate at 78 Corbett Avenue Buronga Lot 2 DP 1300239 subject to the following reasons:
 - a) Written Land owners consent not provided for Lot 453 DP 1217477. Only NSW Crown Land is provided, owners consent is also required from Barkandji Registered Native Title Corporate as the native title holders of the land
 - b) Jurisdictional matters under the *State Environmental Planning Policy (Resilience and Hazards) 2021* were not met
 - c) Inconsistent with matters for consideration under the *State Environmental Planning Policy (Housing) 2021*
 - d) Inconsistent with matters for consideration under the *Wentworth Local Environmental Plan 2011*
 - e) Inconsistent with requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*
 - f) Traffic related considerations not properly addressed

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*.

Should Council issue an approval for the application, anyone can challenge the validity of the consent or remedy a breach to the planning act under section 4.59 and 9.45 respectively 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 refuse to issue development approval subject to reasons.

Attachments

1. Development Application (under separate cover)⇒
2. Statement of Environmental Effects↓
3. Plans↓
4. Table of submissions↓
5. Section 4.15 Assessment Report↓
6. Submissions (under separate cover)⇒
7. Traffic Impact Assessment Report↓

8. Additional information following July Ordinary Council Meeting (under separate cover) [⇒](#)
9. Council Response to Additional Information (under separate cover) [⇒](#)

 Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	Statement of Environmental Effects Attachment C to the Development Application <i>made under the Environmental Planning & Assessment Regulation 2000</i>
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INTRODUCTION

To assist Council in assessing your development application, in accordance with relevant legislative requirements, it is necessary for you to answer the following questions and provide justification of your responses. These questions relate to common matters that need to be addressed in order to mitigate potential impacts resulting from your development.

Please note: Incomplete or insufficient information may lead to your application be delayed or rejected.

PERMISSIBILITY

- | | | |
|--|---|-----------------------------|
| • Is your proposal permissible in the zone? | ☒ Yes | ☐ No |
| • Is your proposal consistent with the zone objectives? | ☒ Yes | ☐ No |
| • Is your proposal in accordance with the relevant development control plan? | ☒ Yes | ☐ No |

If you answered "No" to any of the above, you should make an appointment to discuss your proposal with a member of the Health & Planning Division before lodging a development application.

Please justify your answers below:

The land is zoned RU5-Village.

A Manufactured Home Estate is a 'Permitted with Consent' use.

The proposal meets the zone objectives by way of the following:

- providing a different type of residential living.
- the use is compatible with the surrounding urban development existing and being developed.
- all services are available to the site.
- the proposal provides new residential growth in Buronga.

DESCRIPTION OF DEVELOPMENT

This needs to include where applicable a description of matters such as proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.

The proposal is a Manufactured Home Estate.

The proposal is to provide small lots (not subdivided) for persons to locate a manufactured home on each lot.

This application is to develop stage 1, being 32 lots of the overall development.

DESCRIPTION OF SITE

1. Describe the site including any physical features of the site such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

The site is vacant and is 9.819 hectares in area.
The site is irregular in shape, with the land sloping towards the south-western corner of the site.

2. What is the present use and previous uses of the site?

Present use of the land is vacant.
Previous use of the land was agriculture.

3. Is the development site subject to any of the following natural hazards: (e.g. bushfire prone, salinity, flooding or stormwater inundation etc.)

No

4. What other constraints exist on the site? (e.g. vegetation, easements, sloping land, drainage lines contamination, etc.)

No constraints

5. What types of land use and development exist on surrounding land?

Residential housing exists to the south of the site.
To the north is vacant industrial land.
Land to the west is being developed into a residential estate.
Land to the west is vacant, with development approval existing for a residential subdivision.

CONTEXT AND SETTING

- Will the development be:

o Visually prominent in the surrounding area?	☐ Yes	☒ No
o Inconsistent with the existing streetscape?	☐ Yes	☒ No
o Out of character with the surrounding area?	☐ Yes	☒ No
o Inconsistent with surrounding land uses?	☐ Yes	☒ No

Please justify your answers below:

The land is not located fronting any major road network.
 The land is located in the middle of surrounding properties to be developed into residential and industrial estates.
 Therefore, the site is not visibly prominent and is not inconsistent with nearby streetscapes.
 The proposed manufactured home estate is consistent with the existing residential estate to the south and future urban development to be undertaken upon the abutting properties.

PRIVACY, VIEWS AND OVERSHADOWING

- Will the development result in any privacy issues between adjoining properties as a result of the placement of windows, decks, pergolas, private open space, etc.? ☐ Yes ☒ No
- Will the development result in the overshadowing of adjoining properties resulting in an adverse impact on solar access? ☐ Yes ☒ No
- Will the development result in any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement areas, air conditioners and pumps, bedroom and living room windows, etc.? ☐ Yes ☒ No
- Will the development impact on views enjoyed from adjoining or nearby properties and public places such as parks roads and footpaths? ☐ Yes ☒ No

Please justify your answers below:

The proposal will provide lots for manufactured homes to be located upon in a residential lifestyle setting.
 The homes will be small in size and single storey in height.
 Therefore, no overlooking or overshadowing will occur; and no other adverse effects will be caused by this development.

ACCESS, TRAFFIC AND UTILITIES

- Is legal and practical access available to the development? ☒ Yes ☐ No
- Will the development increase local traffic movements / volumes?
 If yes, by how much? ☒ Yes ☐ No
- Are additional access points to a road network required? ☐ Yes ☒ No
- Has vehicle manoeuvring and onsite parking been addressed in the design? ☒ Yes ☐ No
- Are power, water, sewer and telecommunication services readily available to the site? ☒ Yes ☐ No

Please justify your answers below:

Legal access to the site is available via Friel Street.
 Increase in traffic movements will be standard with traffic movements in new residential housing estates.
 No traffic issues will be created by this development.
 Each home will have their own car park, together with visitor car parking to be provided in the development.
 The development has been designed so that all vehicles will be able to enter and leave the site in a forward direction.
 All services are available to the site.

ENVIRONMENTAL IMPACTS

- | | | |
|---|---|--|
| • Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)? | ☐ Yes | ☒ No |
| • Does the development have the potential to result in any form of water pollution (eg. sediment run-off)? | ☐ Yes | ☒ No |
| • Will the development have any noise impacts above background noise levels (eg. swimming pool pumps)? | ☐ Yes | ☒ No |
| • Does the development involve any significant excavation or filling? | ☐ Yes | ☒ No |
| • Could the development cause erosion or sediment run-off (including during the construction period)? | ☐ Yes | ☒ No |
| • Is there any likelihood in the development resulting in soil contamination? | ☐ Yes | ☒ No |
| • Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)? | ☒ Yes | ☐ No |
| • Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance? | ☐ Yes | ☒ No |
| • Is the development likely to disturb any aboriginal artefacts or relics? | ☐ Yes | ☒ No |

Please justify your answers below:

The land is zoned RU5-Village.
 Urban development is promoted in this zone.
 The establishment of this manufactured home estate will enable homes to be transferred and located on the lots (not subdivided) in this estate.
 No pollution will be caused by this development.

FLORA AND FAUNA IMPACTS

- | | | |
|---|------------------------------|--|
| • Will the development result in the removal of any native vegetation from the site? | ☐ Yes | ☒ No |
| • Is the development likely to have any impact on threatened species or native habitat? | ☐ Yes | ☒ No |

For further information on threatened species, visit www.threatenedspecies.environment.nsw.gov.au

Please justify your answers below:

The site is vacant.
 No native vegetation or native habitat exists upon the site.

WASTE AND STORMWATER DISPOSAL

- How will effluent be disposed of?
☒ To Sewer ☐ Onsite
- How will stormwater (from roof and hard standing) be disposed of:
☒ Council Drainage System ☐ Other (please provide details)
- Will liquid trade waste be discharged to Council's sewer? ☐ Yes ☒ No
- Will the development result in any hazardous waste or other waste disposal issue? ☐ Yes ☒ No
- Does the development propose to have rainwater tanks? ☐ Yes ☒ No
- Have all potential overland stormwater risks been considered in the design of the development? ☒ Yes ☐ No

Please justify your answers below:

All services are available to the site.
 Effluent and stormwater will be designed to the satisfaction of Wentworth Shire Council.

SOCIAL AND ECONOMIC IMPACTS

- Will the proposal have any economic or social consequences in the area? ☐ Yes ☒ No
- Has the development addressed any safety, security or crime prevention issues? ☒ Yes ☐ No

Please justify your answers below:

The development will have only positive economic and social effects.
 Over 1.5 million dollars to be invested in Buronga, and creation of jobs will boost the economy of the Buronga Township.
 The establishment of a lifestyle village estate will create social interaction for future residents of the facility.

CONCLUSION

Cumulative effects of all factors.

In conclusion, based on all the above information it is clear that this proposed manufactured home estate will be a benefit to the Buronga Township and Wentworth municipality in terms of economic and social benefits.

**ROY COSTA PLANNING & DEVELOPMENT**

164 Eighth Street Mildura

PO Box 2925 Mildura 3502

Phone (03) 50210031 Email: admin@roycosta.com.au

Our Ref: 24-093

Your Ref:

30 October 2024

George Kenende
Acting Director Health & Planning
Wentworth Shire Council
PO Box 81
WENTWORTH NSW 2648

Dear George,

**DEVELOPMENT APPLICATION
MANUFACTURED HOME ESTATE
LOT 2 DP 1300239 CORBETT AVENUE BURONGA**

Enclosed, please find a development application, proposing the establishment of a Manufactured Home Estate upon land situated at Lot 2 DP 1300239 Corbett Avenue Buronga.

This application is lodged on behalf of the owners of the subject property.

The subject land is 9.819 hectares in area and is currently vacant.

This application is proposing to establish Stage 1 of the overall proposed manufactured home estate upon the subject site.

Therefore, this application is seeking to establish 32 sites within the estate.

It should be noted that the lots remain on one overall title and are not subdivided; and are leased to individual owners wishing to locate their manufactured home on an allotment within the estate.

Access to the site will be via Friel Street.

The proposal is delineated on the plans associated with this application.

The Statement of Environmental Effects lodged in association with this application details how this proposal meets the provisions of the Wentworth Local Environmental Plan 2011 (WLEP).

In addition, this proposal meets the WLEP as detailed below.

PLANNING INSTITUTE AUSTRALIA – REGISTERED PLANNER (RPIA)

Rokar Pty. Ltd. ABN 86 087 497 685 Trading As Roy Costa Planning & Development



WENTWORTH LOCAL ENVIRONMENTAL PLAN 2011

In accordance with the Wentworth Local Environmental Plan 2011 the subject land is zoned RU5 - Village.

The objectives of the RU5 – Village 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.

This proposal meets these objectives by:

- Providing a unique and different residential lifestyle living estate.
- Promoting development in the existing town of Buronga.
- The development site is well serviced.
- The proposal is supporting economic development; and at the same time delivering new residential and employment growth in Buronga.

In accordance with **3 Permitted with consent** within **Zone RU5 Village** of the WLEP this proposed Manufactured Home Estate is permissible with consent from Wentworth Shire Council.

LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021

DIVISION 3 MANUFACTURED HOME ESTATES

This proposed manufactured home estate meets these provisions by way of the following:

- The size of the land is greater than 1 hectare in area; being 9.819 hectares.
- Once the development is fully completed there will be a minimum of 10% of the total area of the property will be reserved for recreation and other communal activities.
- Each dwelling site will have an area of at least 130 square metres.
- Each dwelling site will be numbered, and boundaries clearly outlined.

- Each dwelling site will have vehicular access to the access road within the development.
- The community building in the overall development will be setback further than 10 metres to the boundary of a dwelling site within the manufactured home estate.
- The dwelling sites will be located further than 10 metres from the public road, being Friel Street; and minimum of 3 metres from to another boundary of the estate.
- Visitor car parking will be provided within stage 1 of the development as delineate don the plans associated with this application.
- The access roads within the estate will have an all-weather sealed surface; and be adequately lit between sunset and sunrise.
- All services will be connected to the manufactured home estate, including water supply, sewerage, drainage, and electricity.
- Garbage collection will be undertaken with a contract with a private garbage collection company.
- Fire hydrants will be located within the estate; with no part of a dwelling site to be located further than 90 metres from a fire hydrant.
- We acknowledge that a building must not be erected within this manufactured home estate unless the approval allows the erection of the building.
- The manufactured home estate will not be used for a commercial purpose other than a manufactured home estate or an associated purpose.
- A Community Map (and as amended) will be provided to Council as per the regulations at all times; with the map to be made available for inspection by an occupant of the estate.

CONCLUSION

In summary, the proposed manufactured home estate upon land situated at Lot 2 DP 1300239 Corbett Avenue Buronga is seen to comply with the relevant provisions of the Wentworth Local Environmental Plan 2011; and provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2021.

Given all the above-mentioned, we now request Council support this development application as proposed.

If you have any queries in relation to the above, please contact Mr. Roy Costa from our office who will be pleased to assist.

Yours sincerely,

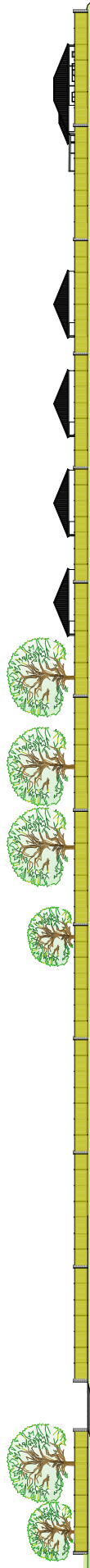
Roy Costa

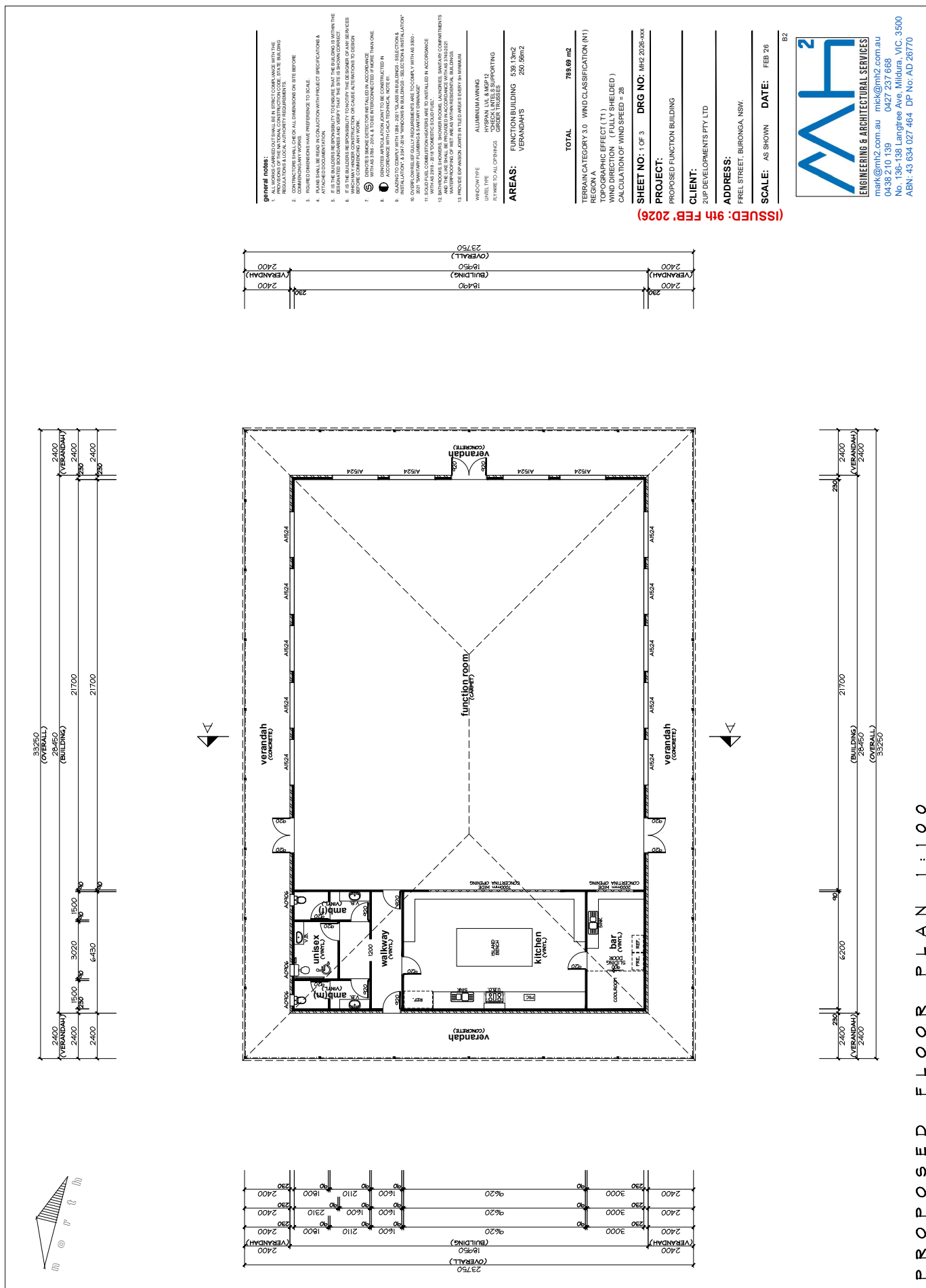
ROY COSTA RPIA

ROY COSTA PLANNING & DEVELOPMENT

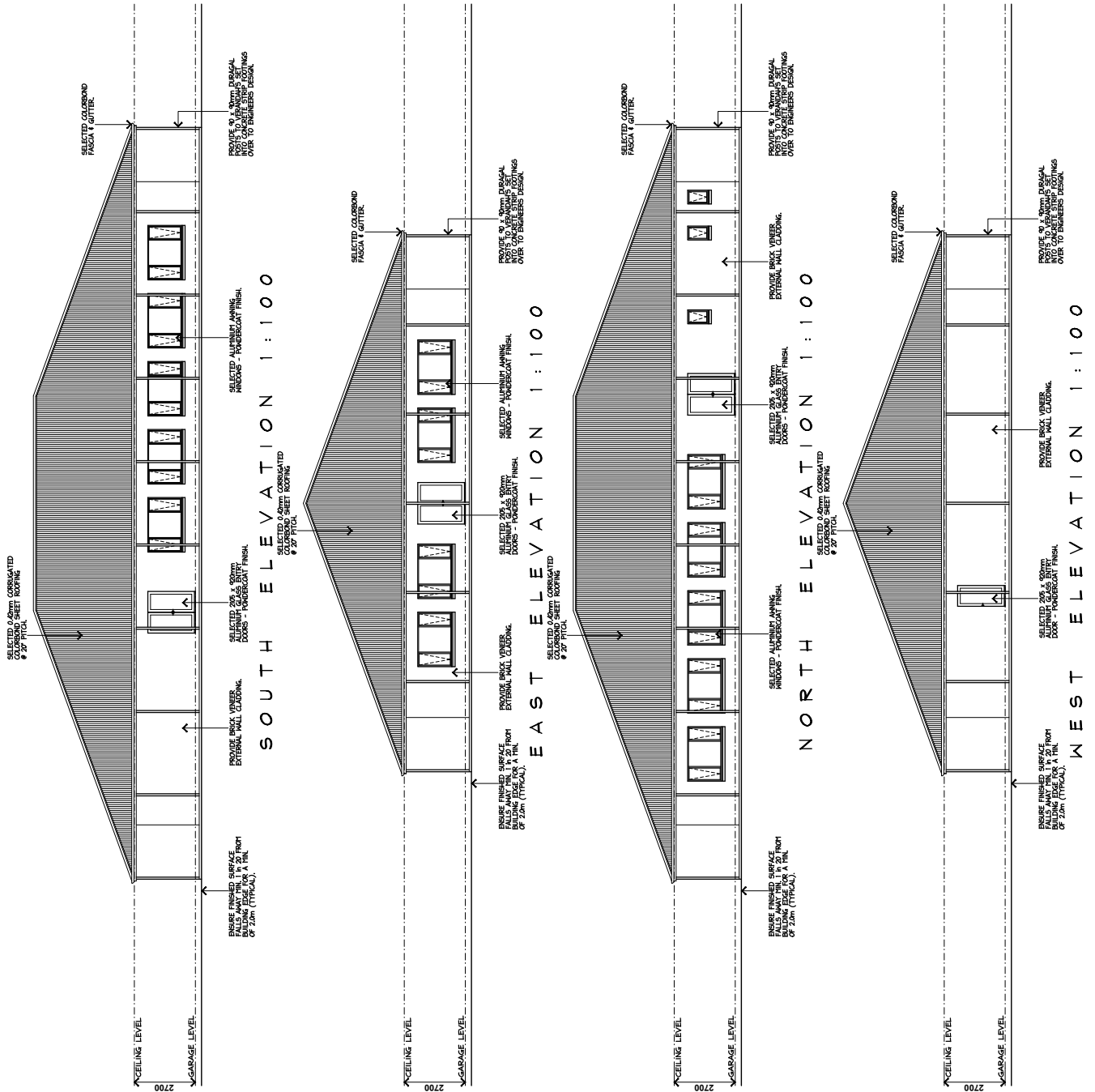


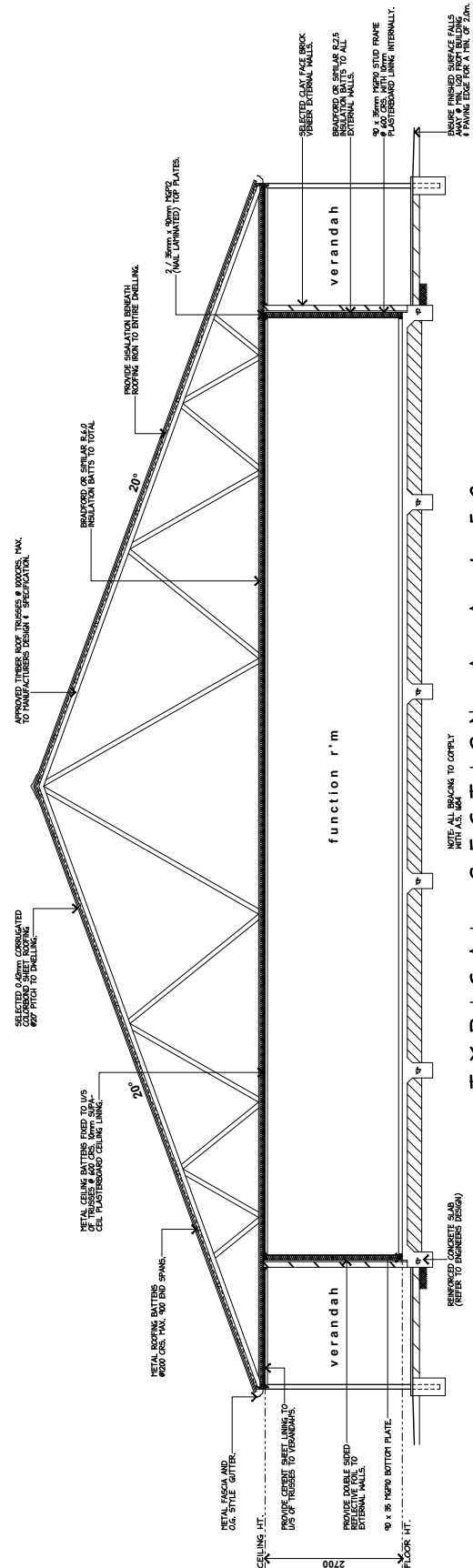






SHEET NO: 2 OF 3 **DRG NO:** MP2 2026-xxx
PROJECT: PROPOSED FUNCTION BUILDING
CLIENT: ZUP DEVELOPMENTS PTY LTD
ADDRESS: FFEEL STREET, BURONGA, NSW
SCALE: AS SHOWN **DATE:** FEB 26
ISSUED: 9th FEB 2026





SHEET NO: 3 OF 3 **DRG NO:** MH2 2026-xxx

PROJECT:

PROPOSED FUNCTION BUILDING

CLIENT: _____

CLIENT:
2UP DEVELOPMENTS PTY LTD

ADDRESS:

ADDRESS:
FIREL STREET, BURONGA, NSW.

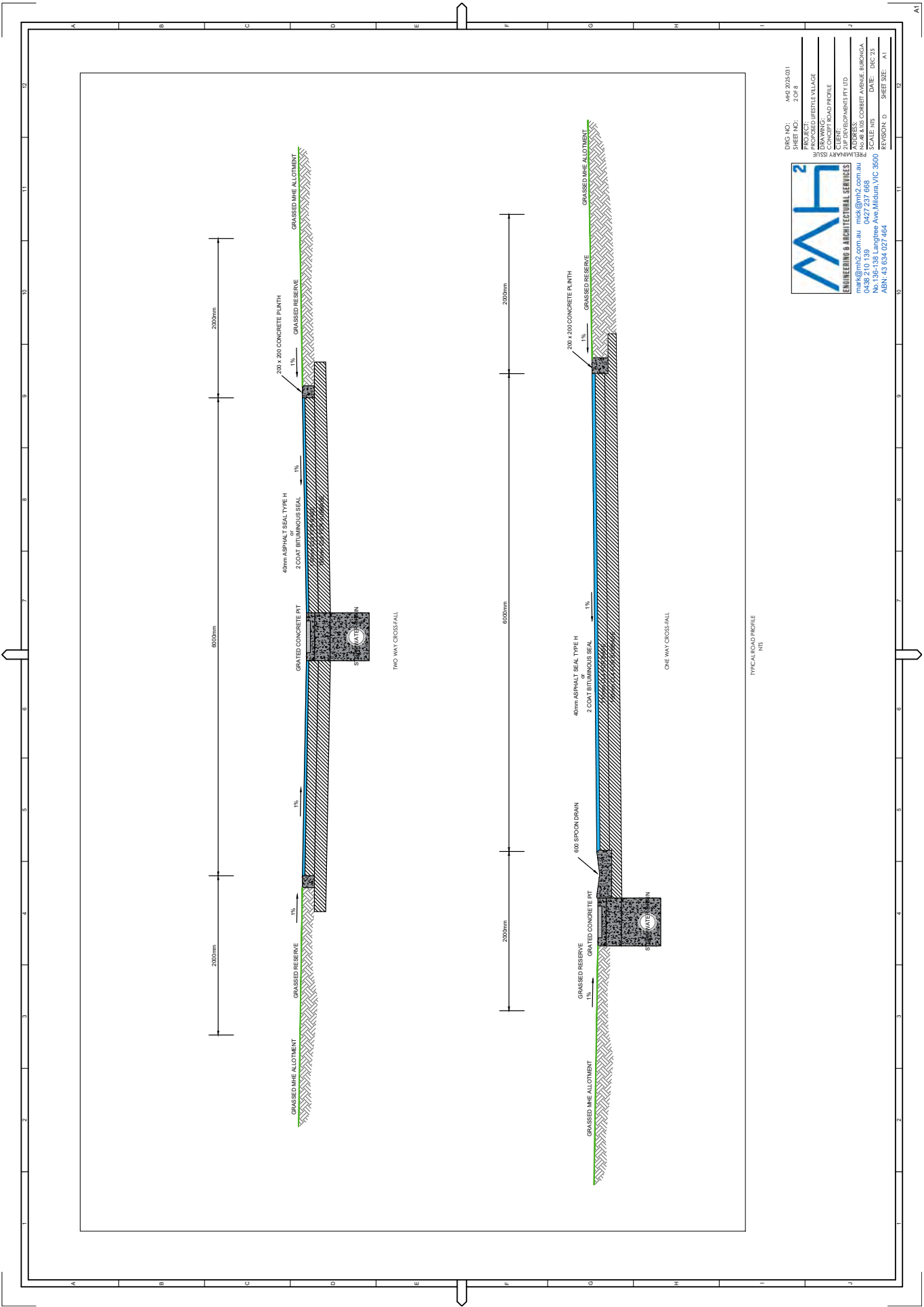
SCALE: AS SHOWN **DATE:** FEB 26

82

ENGINEERING & ARCHITECTURAL SERVICES
mark@mh2.com.au nick@mh2.com.au
0438 210 139 0427 237 668
No. 136-138 Langtree Ave, Mildura, VIC. 3
ABN: 43 634 027 464 DP No: AD 26770

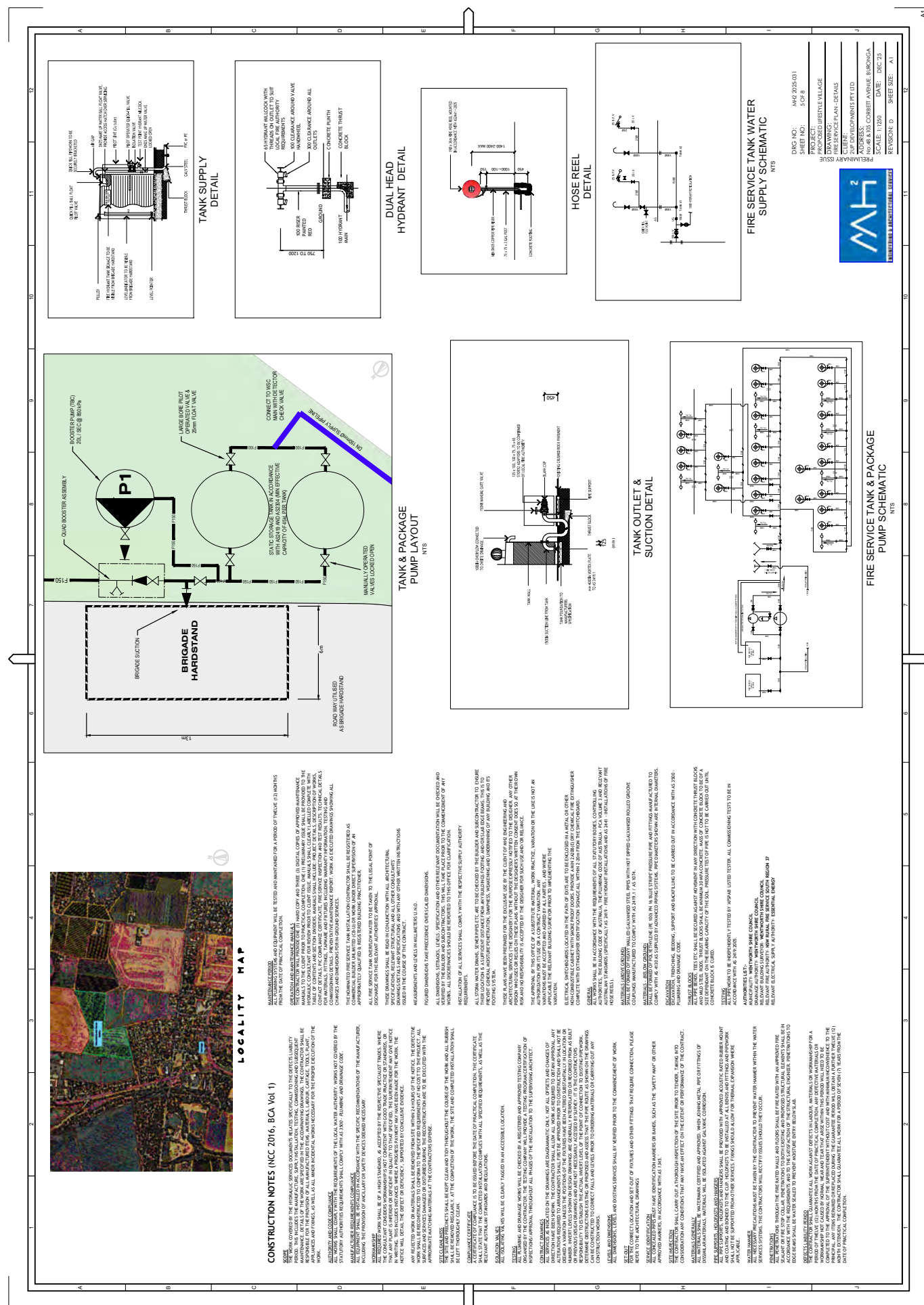
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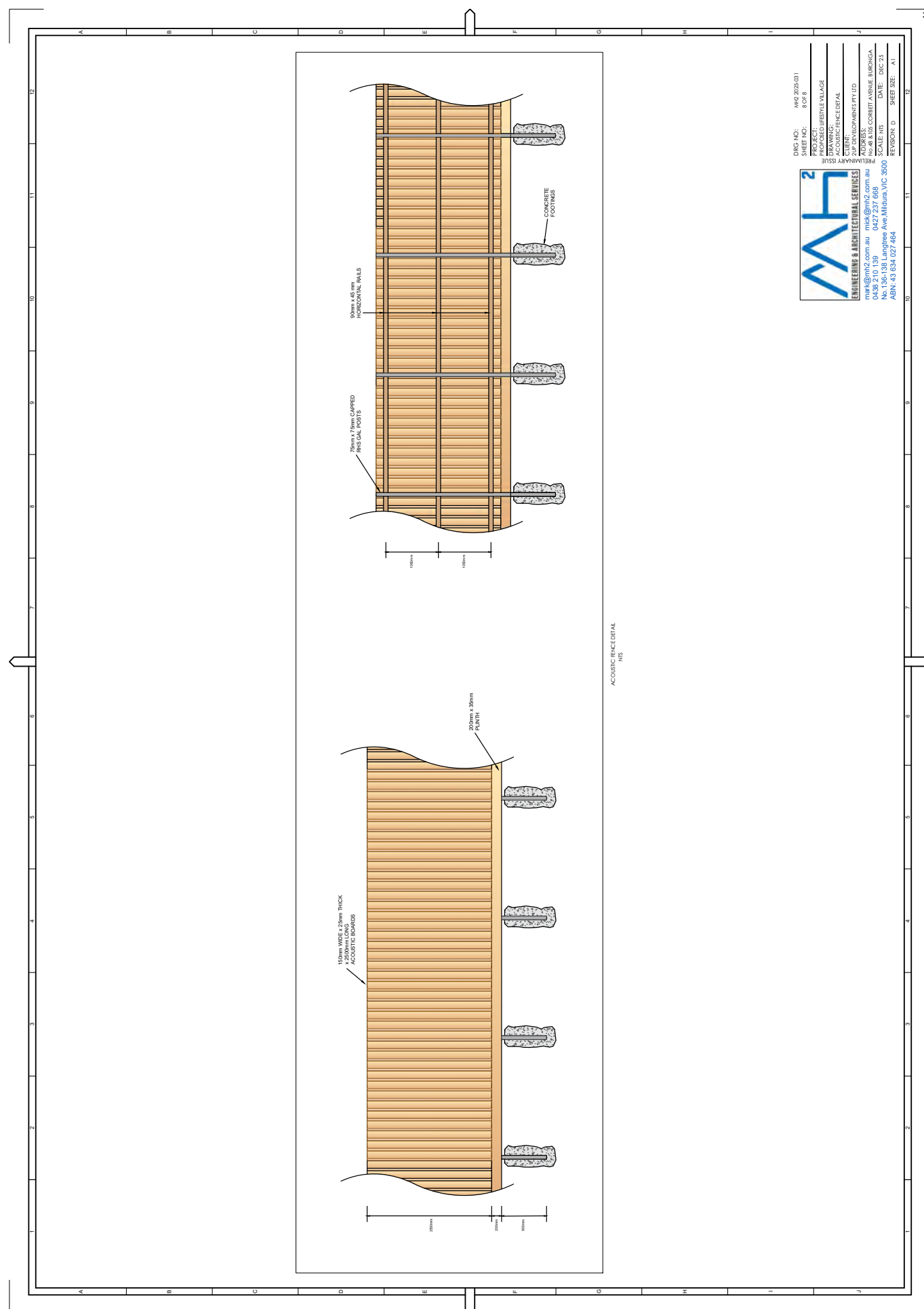


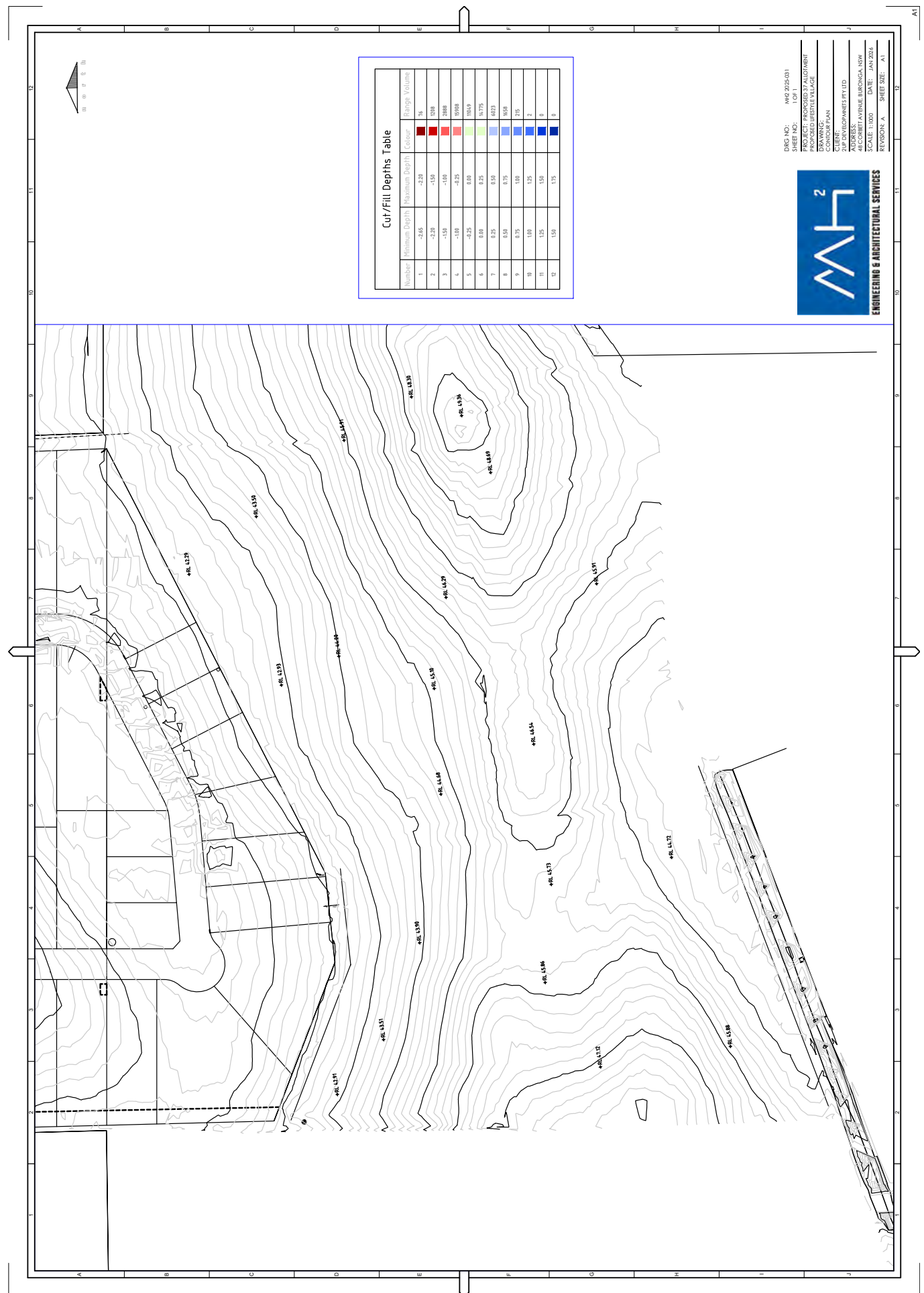




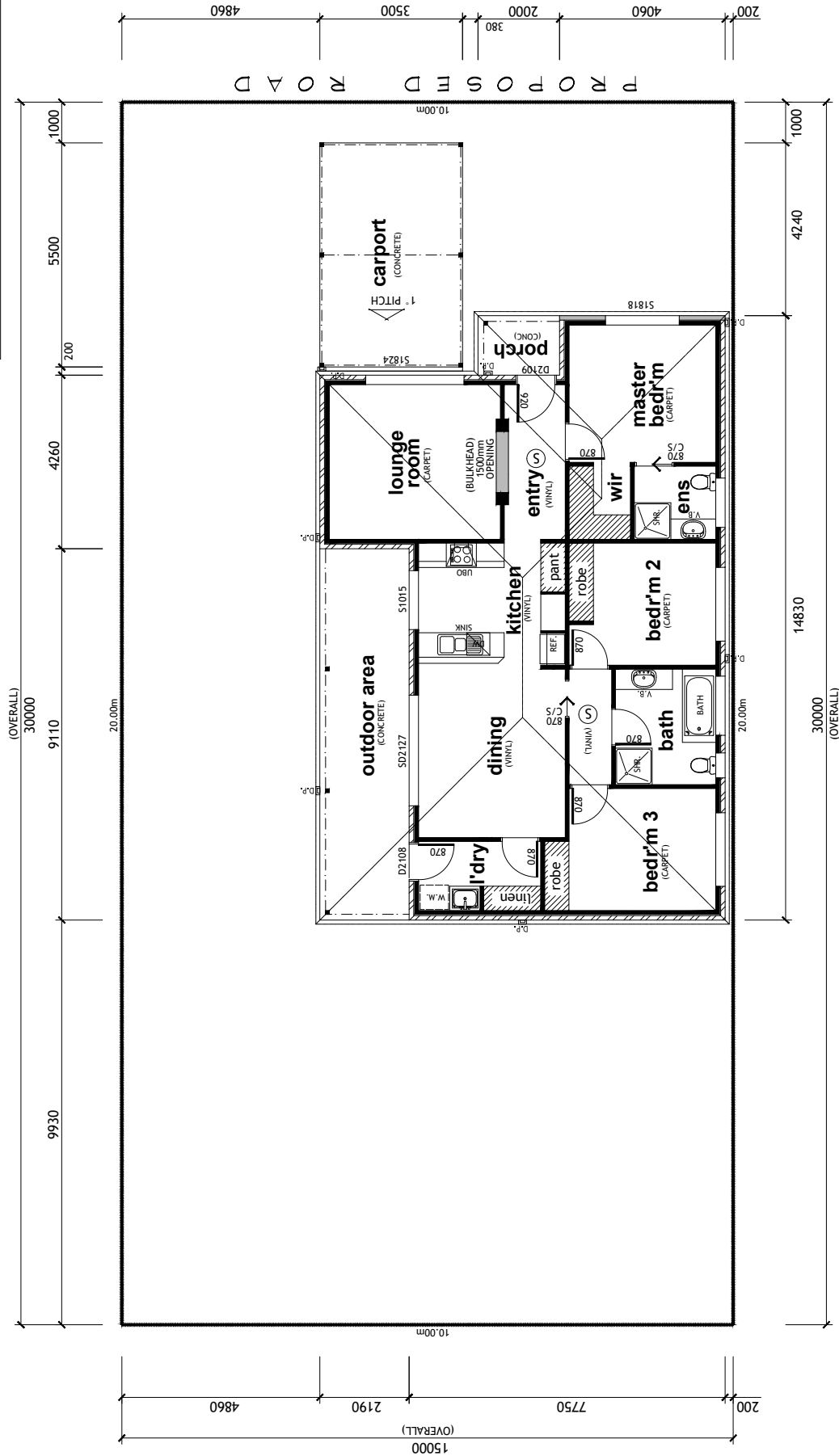








ISSUED: 12th DEC' 2025



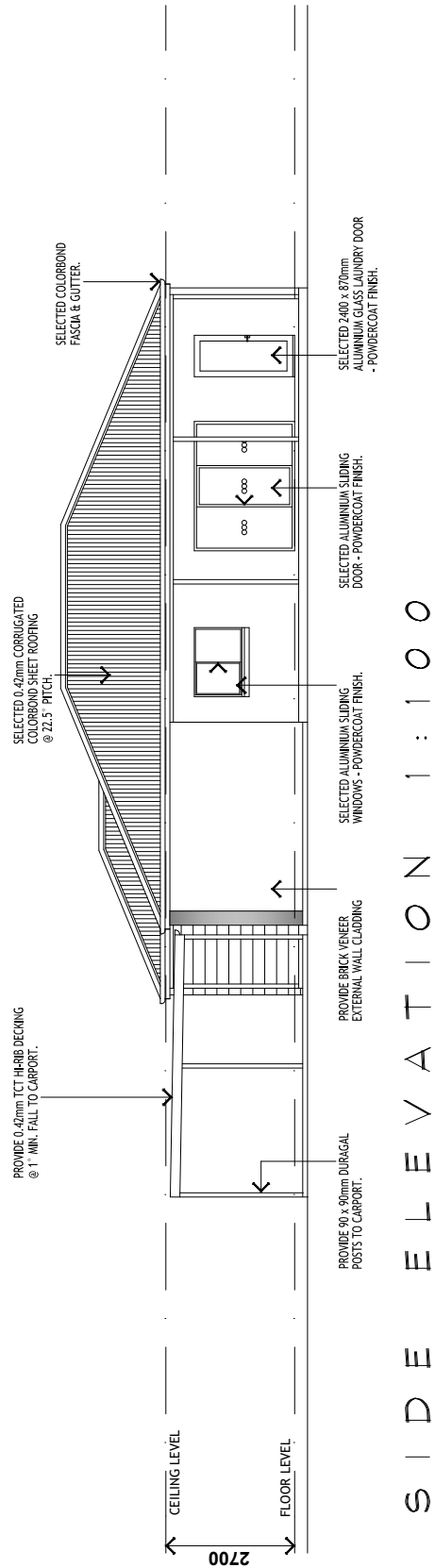
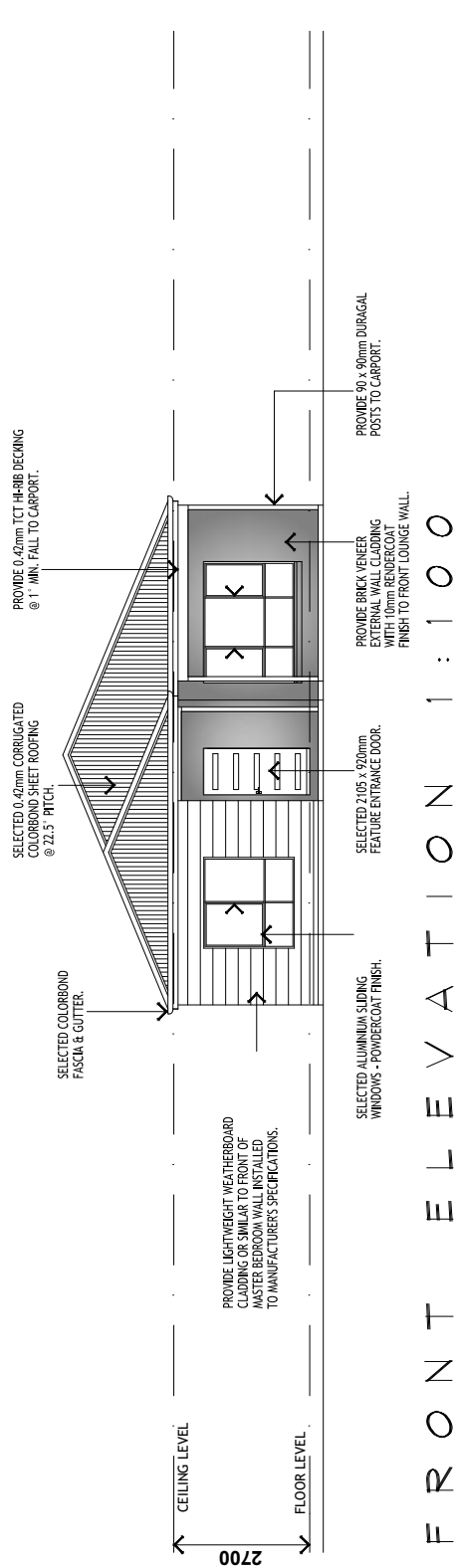
PROPOSED FLOOR / SITE
PLAN 1:100

AREAS:	TERRAIN CATEGORY 3.0	SHEET NO: 1 OF 3	DRG NO: MH2 2025-XXX
DWELLING/LIVING	REGION A	PROJECT:	PROPOSED 3 BROOM PORTABLE DWELLING
OUTDOOR AREA	TOPOGRAPHIC EFFECT (T1)	CLIENT:	2UP DEVELOPMENTS PTY LTD
CARPOR	WIND DIRECTION (FULLY SHIELDED)	ADDRESS:	48 CORBETT AVENUE, BURONGA, NSW
PORCH	CALCULATION OF WIND SPEED = 28	SCALE:	AS SHOWN
TOTAL	WIND CLASSIFICATION (N1)	DATE:	DEC '25



mark@mh2.com.au
0438 210 139
No. 136-138 Langtree Ave, Mildura, VIC 3500
ABN: 43 634 027 464 DP No: AD 26770

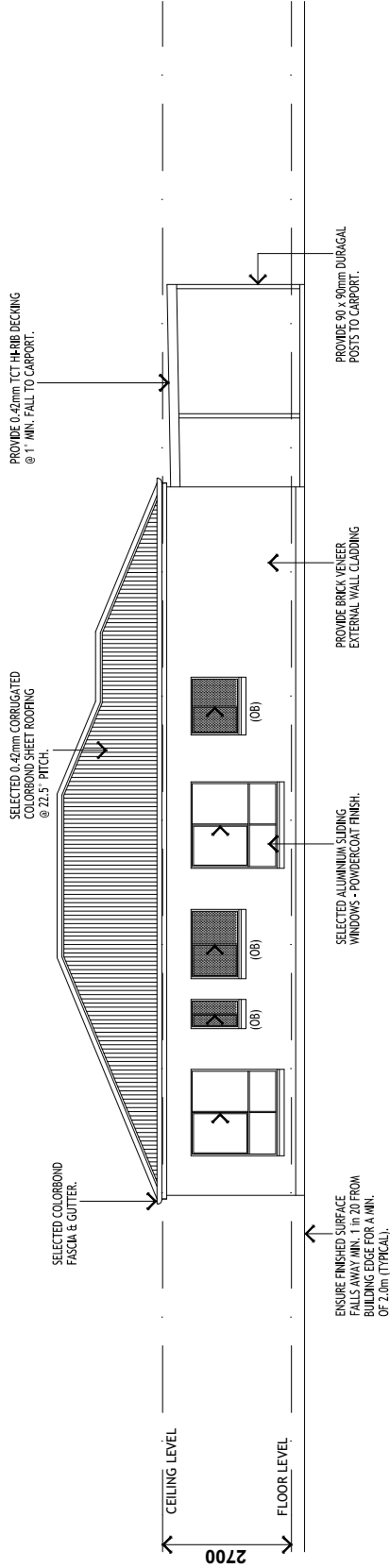
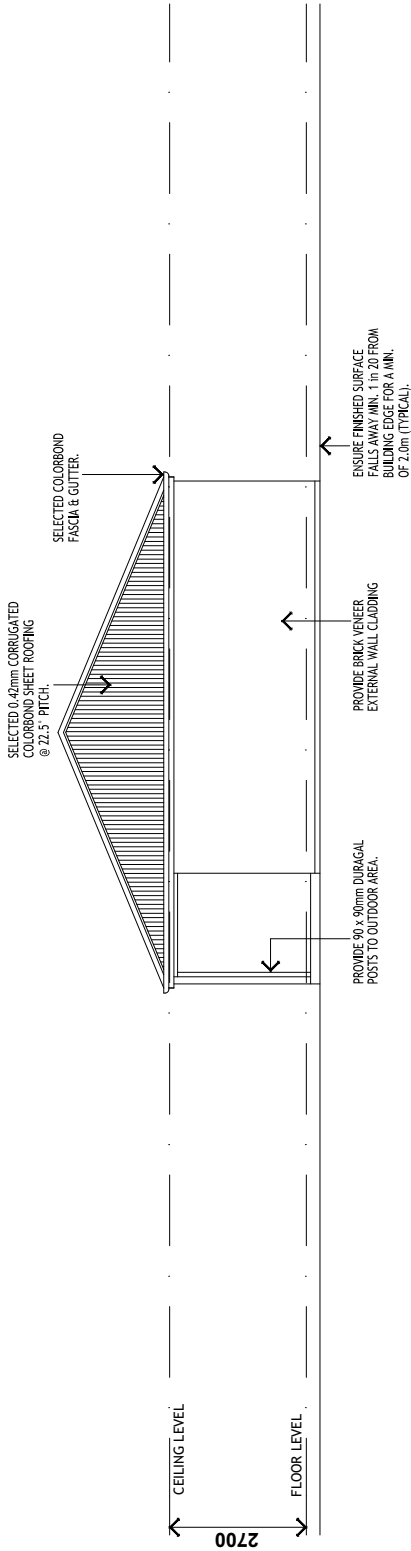
ISSUED: 12th DEC' 2025



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0438 210 139 0427 237 668
No.136-138 Langtree Ave, Mildura, VIC 3500
ABN: 43 634 027 464 DP No. AD 26770

SHEET NO: 2 OF 3	DRG NO: MH2 2025-XXX
PROJECT:	PROPOSED 3 BROOM PORTABLE DWELLING
CLIENT:	2UP DEVELOPMENTS PTY LTD
ADDRESS:	48 CORBETT AVENUE, BURONGA, NSW
SCALE:	AS SHOWN
DATE:	DEC '25

ISSUED: 12th DEC' 2025



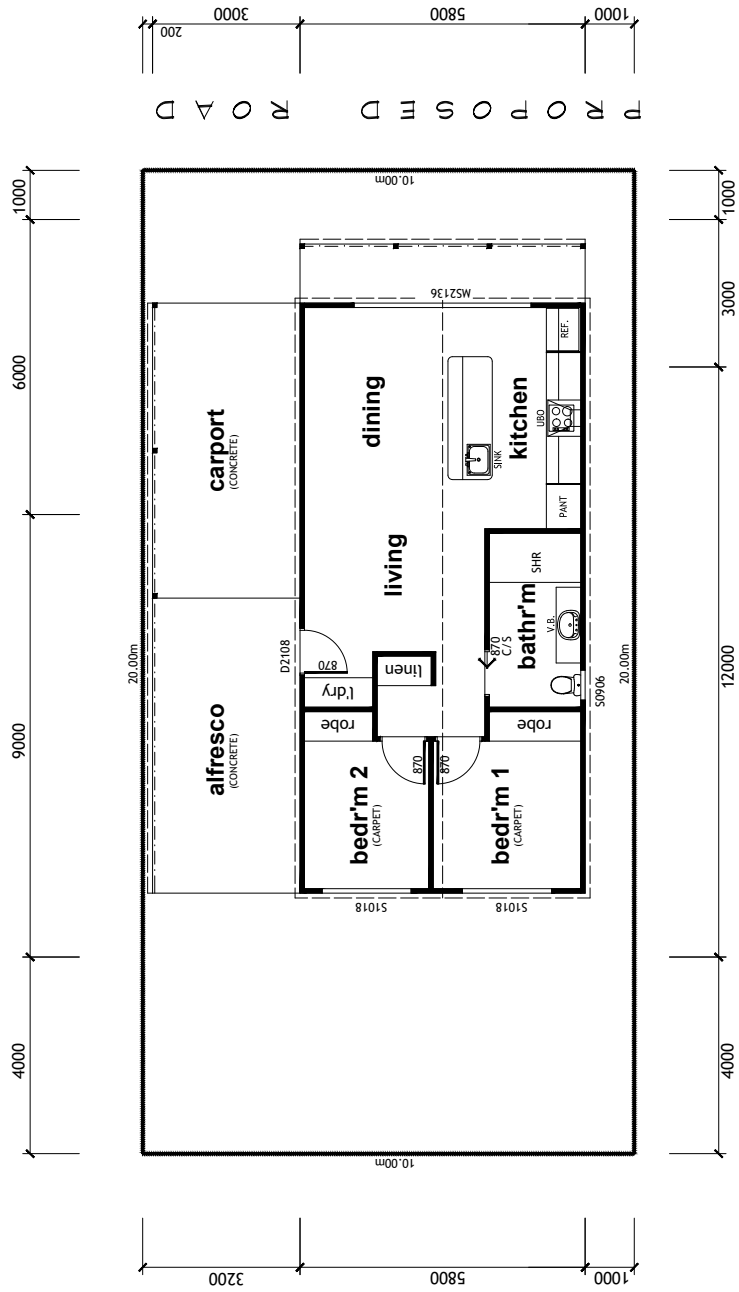
(OB) DENOTES: OBSCURE GLAZING

SHEET NO: 3 OF 3	DRG NO: MH2 2025-XXX
PROJECT:	PROPOSED 3 BROOM PORTABLE DWELLING
CLIENT:	2UP DEVELOPMENTS PTY LTD
ADDRESS:	48 CORBETT AVENUE, BURONGA, NSW
SCALE:	AS SHOWN
DATE:	DEC '25



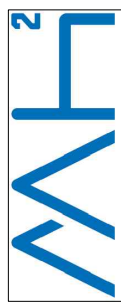
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0438 210 139 0427 237 668
No.136-138 Langtree Ave, Mildura, VIC 3500
ABN: 43 634 027 464 DP No: AD 26770

ISSUED: 11th FEB' 2025



PROPOSED FLOOR / SITE
PLAN 1:100

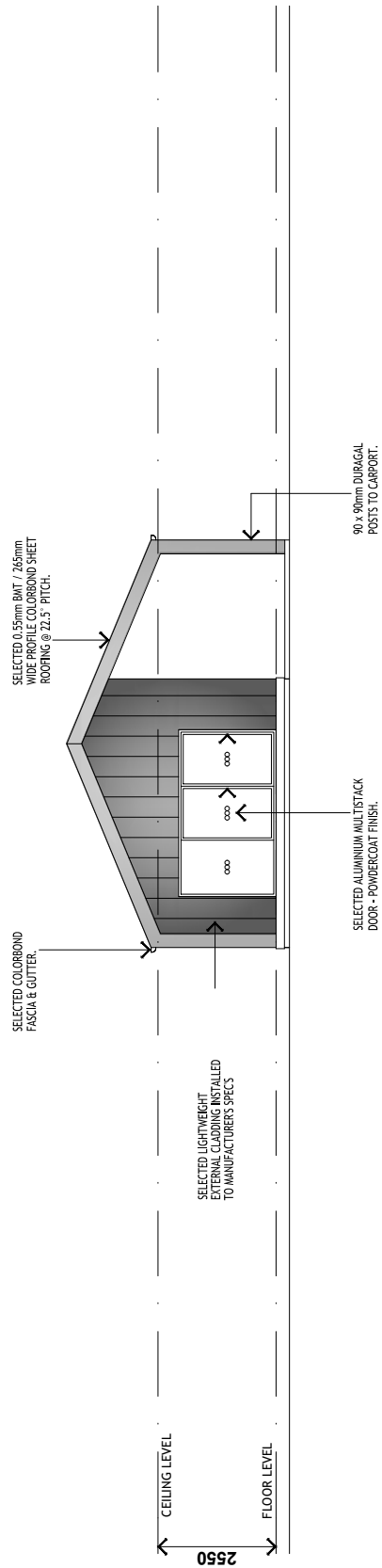
AREAS:		TERRAIN CATEGORY 3.0	SHEET NO: 1 OF 3 DRG NO: MH2 2025-XXX
DWELLING/LIVING	69.60m ²	REGION A	PROJECT: PROPOSED PORTABLE DWELLING #1
OUTDOOR AREA	17.40m ²	TOPOGRAPHIC EFFECT (T1)	CLIENT: ZUP DEVELOPMENTS PTY LTD
CARPORT	18.00m ²	WIND DIRECTION (FULLY SHIELDED)	ADDRESS: 48 CORRETT AVENUE, BURONGA, NSW
TOTAL	105.00m ²	CALCULATION OF WIND SPEED = 28	SCALE: AS SHOWN DATE: FEB 25
		WIND CLASSIFICATION (N1)	



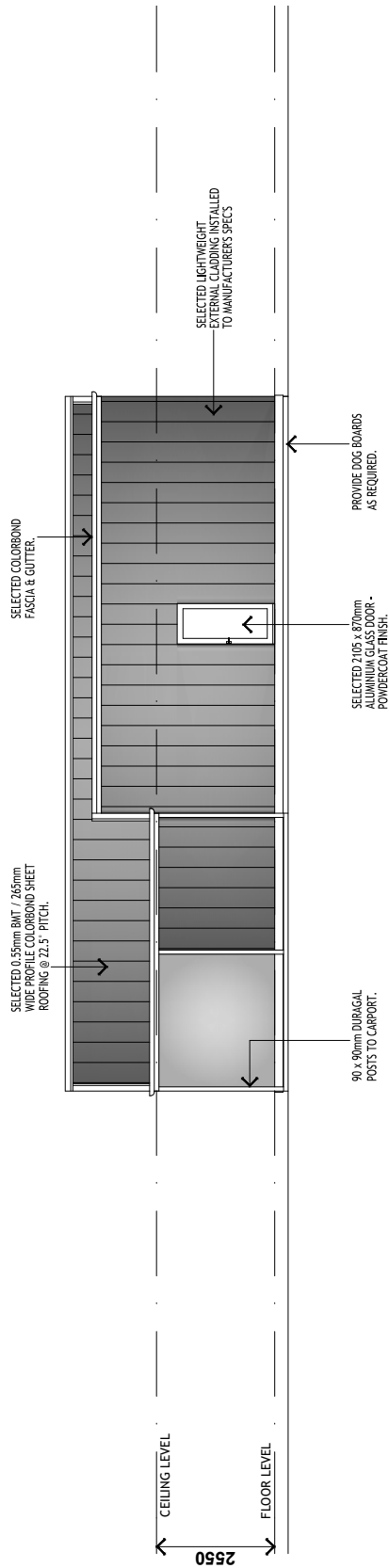
ENGINEERING & ARCHITECTURAL SERVICES

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No.136-138 Langtree Ave, Mildura, VIC 3500
ABN: 43 634 027 464 DP No: AD 26770

ISSUED: 11th FEB' 2025



FRONT ELEVATION 1 : 100



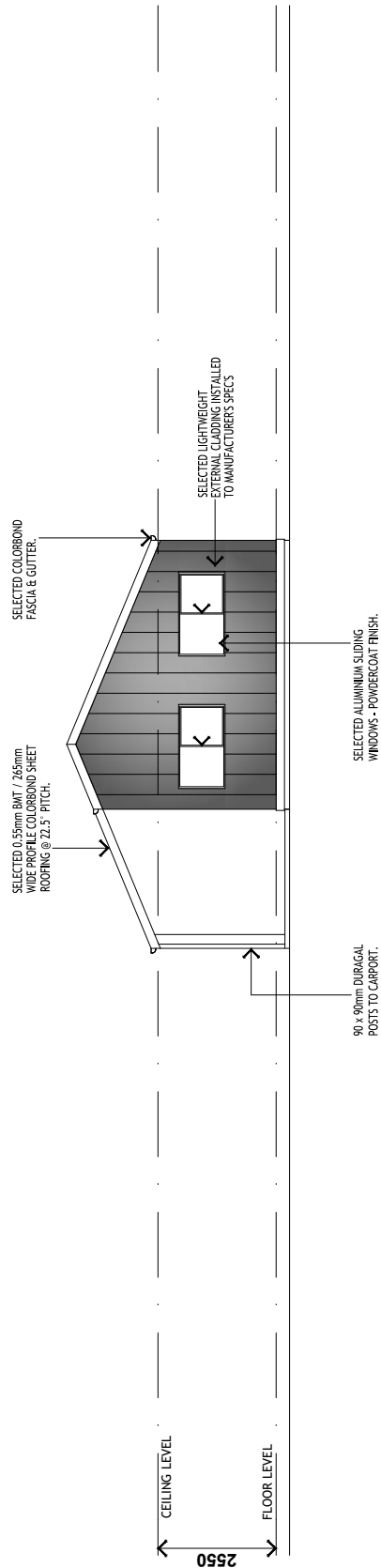
SIDE ELEVATION 1 : 100

SHEET NO: 2 OF 3	DRG NO: MH2 2025-XXX
PROJECT:	PROPOSED PORTABLE DWELLING #1
CLIENT:	2UP DEVELOPMENTS PTY LTD
ADDRESS:	48 CORRETT AVENUE, BURONGA, NSW
SCALE:	AS SHOWN
DATE:	FEB '25

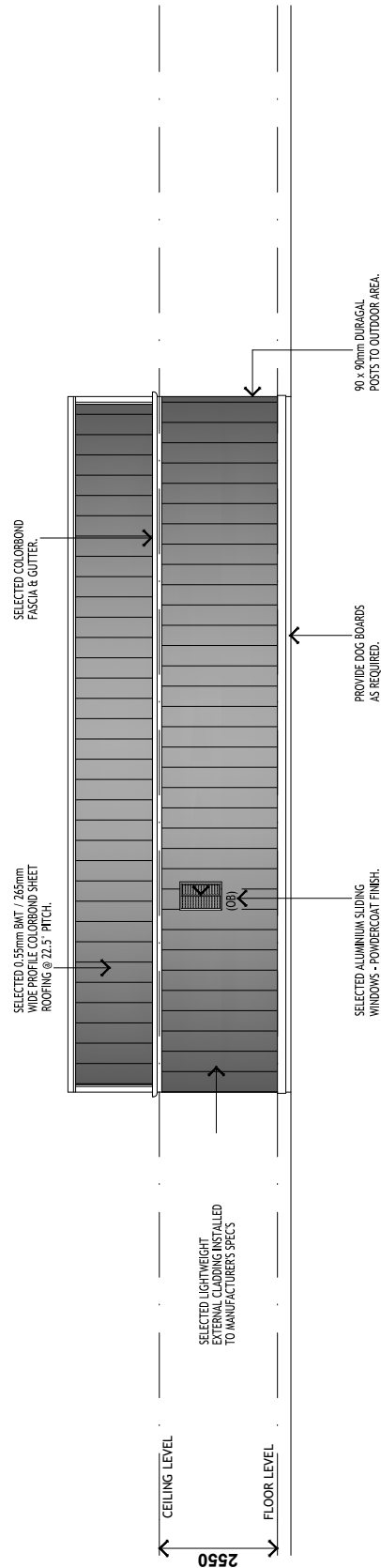
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0438 210 139 0427 237 668
No.136-138 Langtree Ave, Mildura, VIC 3500
ABN: 43 634 027 464 DP No: AD 26770

ISSUED: 11th FEB' 2025



R E A R E L E V A T I O N 1 : 1 0 0

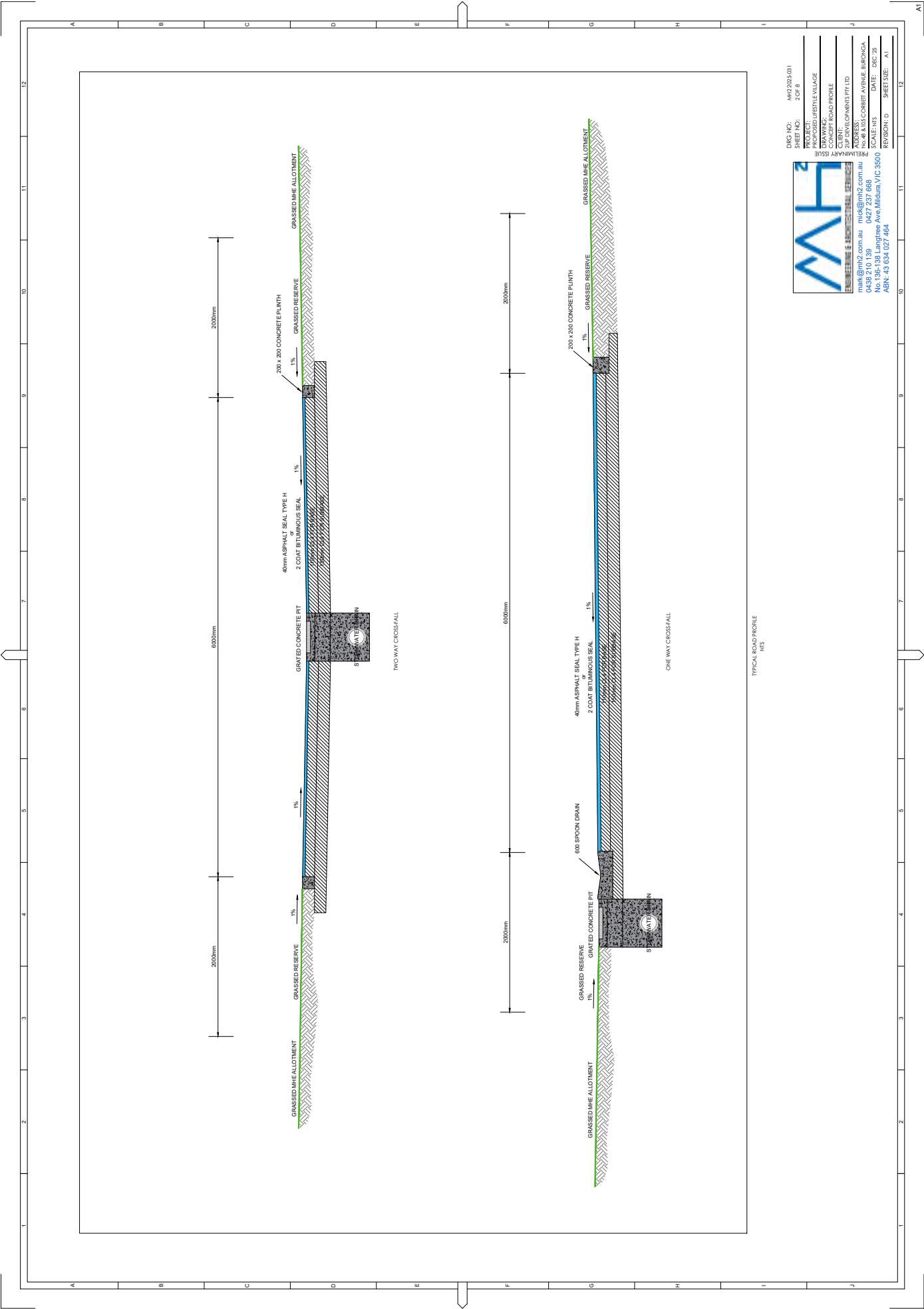


S I D E E L E V A T I O N 1 : 1 0 0

SHEET NO: 3 OF 3	DRG NO: MH2 2025-XXX
PROJECT:	PROPOSED PORTABLE DWELLING #1
CLIENT:	ZUP DEVELOPMENTS PTY LTD
ADDRESS:	48 CORRETT AVENUE, BURONGA, NSW
SCALE:	AS SHOWN
DATE:	FEB '25



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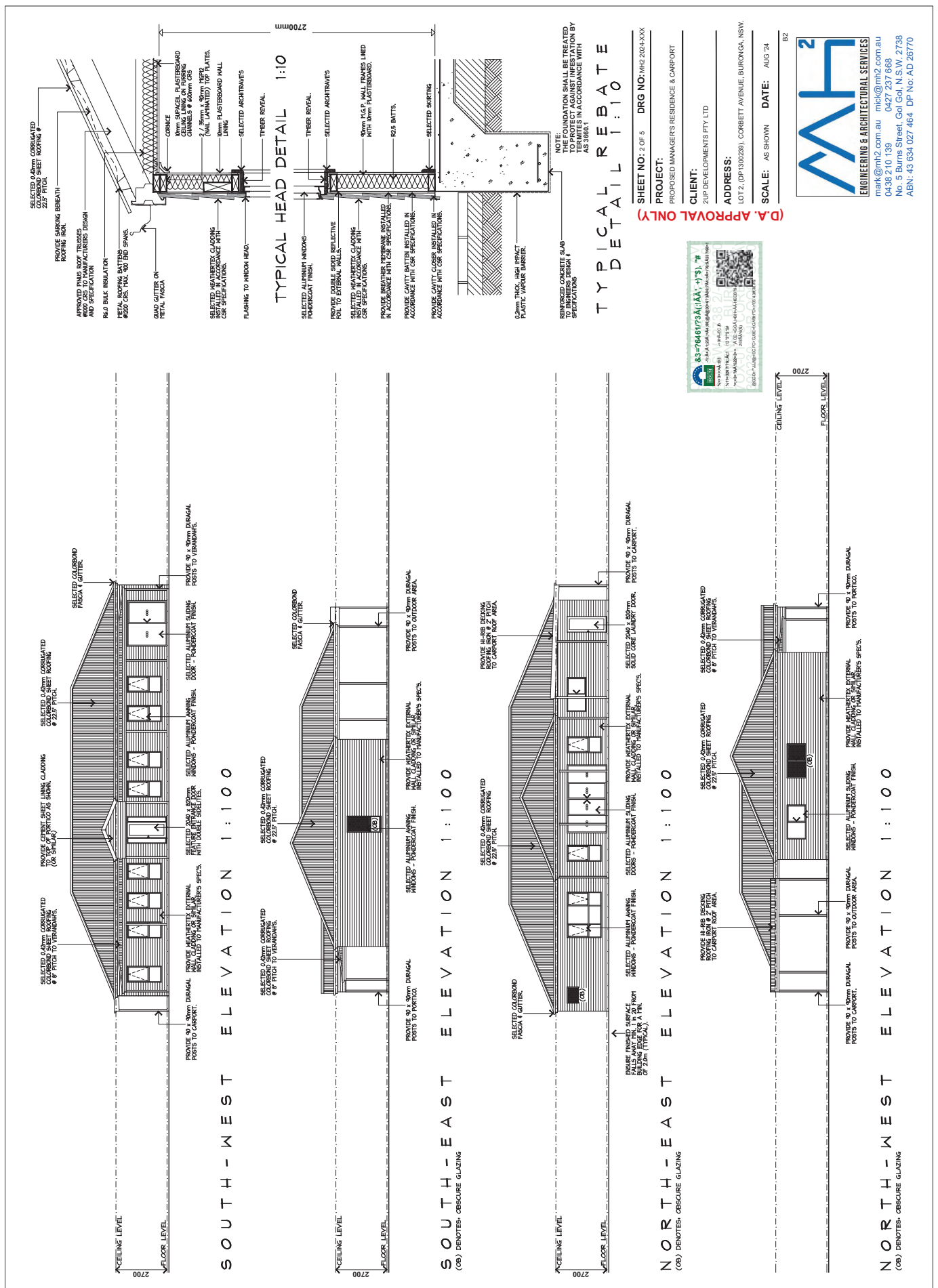


Table of Submissions

Concern	Response from Applicant	Comment
What constitutes a manufactured home estate? Who is using the houses?	A manufactured home estate is a development for housing; with the dwellings constructed off-site and delivered to the site. The development is normal housing in that the housing can be individually privately owned; and can be subdivided onto separate titles.	Notwithstanding this advice various of the reports reference a Lifestyle community for over 55s which does not apply to a Manufactured Home Estate under NSW law. The response indicates private ownership of housing with subdivision onto separate titles. This is not included in the application and not usually the way MHE operate. No response to the request for further information about the applicant's comments was received. Community title subdivision does not form part of the application
Out of Character		
Out of character with the neighbouring residential area	The development is in keeping with the character of the area, being residential housing developments.	There are no other MHE in the vicinity
This resembles a trailer park fit for itinerate workers, not something to benefit the Buronga, Gol Gol area which are under transformation		Noted that the MHE format is a departure from the existing housing in Buronga and Gol Gol.
Dareton already has facilities and services and this should be developed there. Buronga does not have the essential services and infrastructure for this type of development (eg no manned police station)		The lack of information about essential services and infrastructure is of concern.
Why is it behind the houses in the town?		It is a permissible use in the RU5 zone
Traffic concerns		
256-457 additional cars on the roads daily will create congestion on Friel and Pitman Avenues	Traffic movements will not cause any adverse effects to the surrounding area as detailed in the Traffic Impact assessment Report lodged with the application	Council's concerns about the provided Traffic Impact Assessment have not been addressed by the applicant. The TIA only assesses intersection saturation, not the effects on Friel Street itself.
Significant increase to traffic on Friel Street which is not designed to handle the volume of traffic from 200 units leading to congestion.	See above	The amended Traffic impact assessment indicates that no mitigating measures are required based on intersection analysis (page 11)

Concern	Response from Applicant	Comment
No clear traffic mitigation strategies are proposed		
Traffic impact assessment is weak on detail including ameliorating works to manage traffic		The report states no mitigating measures are required. The level of detail is not strong.
The proposed road increases road and foot traffic incompatible with the quiet area.	As above	It will be the additional occupation of the dwellings that increases this. No acoustic assessment has been made of such increases.
Future development towards Redhill Estate will add further to traffic congestion and add to risks		Noted
Inadequate parking with only 37 visitor car spaces, leading to onstreet parking, obstructing traffic flow, restricting emergency services and reducing safety and liveability		Minimum visitor car parking rates are set out in the Local Government (MHE) Regulation. 181 dwellings are now proposed and under the Regulations 26 visitor spaces are required. 37 are provided,
Request a thorough traffic impact assessment, parking feasibility		Parking rates must comply with the LG (MHE) regulation. The plans for 2 and 3 bed dwellings indicate a single car space for each dwelling.
No evidence that existing roads, public transport or community facilities can support 200 households.	All services are available to the development.	Services are not currently available to the site. The Traffic Impact Assessment is deficient and has not been updated to the new plans
Access road to Friel Street		
Access to Friel Street is not legal. Has Crown Lands given approval to build the road?	Legal access will be provided to the development as detailed in the application; with documentation submitted with the application detailing the legal access via Friel Street	A Licence document has been provided but that is a Crown licence to Council revocable without notice. There is no legal access to Friel Street. No Crown approval to the lodgement of the DA has been provided. No consent to the Deed of Arrangement between the applicant and Council has been provided.
Entry road is over a Crown land drainage easement. If the drainage easement is gone how will houses be protected in heavy rain or floods?	Stormwater drainage has been designed for the development, which will ensure the surrounding area is not affected.	No evidence that surrounding approved developments have been included in the modelling. A concept drainage plan is provided ultimately draining to the Crown land over which the road is proposed.
The Red Hill Estate stage 7 drains into the drainage easement which the road will be over and will have a		No evidence that this has been taken into consideration.

Concern	Response from Applicant	Comment
detrimental effect on its water discharge		
Noise impacts		
Noise impacts from up to 545 daily vehicle trips past the house	Noise generation from the development will be as per normal residential housing and unit developments. The amended SEE includes the following statements: - the estate design will include buffering and landscaping to ensure visual and acoustic separation from nearby industrial activities, creating a comfortable and desirable living environment - designed to avoid any acoustic issues - The on-site car parking and service areas have been carefully designed to blend discreetly into the estate's landscape, ensuring minimal visual impact. Landscaping elements, including hedging and native plantings, will screen parking areas, enhancing privacy and reducing noise - The proposal incorporates measures to reduce noise, pollution, and light spillage. Noise attenuation landscaping and fencing will be strategically placed to buffer sound from vehicular movements.	No acoustic assessment or detailed comment with the SEE is provided. Despite the statements made: - no buffering other than on the western side adjacent to the future residential development is provided. - no consideration of noise from the originally proposed tennis court and the continued proposal for the basketball court to the adjacent residents. - no consideration of noise from the industrial units which are only separated by an 11 metre Crown Reserve. - Acoustic fencing is included in the application to a height of 2.7m, however there is not assessment of its adequacy or the materials proposed. - The landscape plan in plan 3 of 8 shows hedging plants to the north
Lack of buffer / impacts		
It is close to an industrial zone with concerns about noise pollution, air quality and suitability for residential living. No study on how proximity to the industrial operations will impact health and well-being of residents. Inadequate buffer is provided. The suggestion of a 30m buffer is false and misleading.	There will be a 30-metre buffer area provided between the development and the industrial development to the north of the site.	The 30m buffer to the north originally only extended to be over the Crown Reserve area which is approximately 11m wide. It has now been amended to provide a full 30 metres to the north (including the Crown land). No buffer to land to the east and south is provided.

Concern	Response from Applicant	Comment
Potential complaints from residents not accustomed to farming noise, smells and pesticides could lead to restrictions on farming (and industrial) activities.		There is no buffer to the east and south agricultural areas.
Stormwater drainage		
No engineering computations or design for stormwater capture, retardation, treatment and discharge		Some computations have now been provided for water supply, however given that the flows are based on an over 55s development there is doubt as to their accuracy
Other services		
Lack of assessment of how bins would be managed at the site entrance, including number, storage, noise and odour adjacent to residences	The bin collection areas will be maintained in a tidy manner at all times and maintained so that no odour emits from the storage area; and notably will at all times comply with EPA requirements.	Bin collection area is now indicated near the front of the site close to the proposed entry. No indication of assessment of size appropriateness, nor how it will be screened. No waste management plan provided. No operational management plan provided
Water pressure is already inadequate, will that be fixed? Strain on local infrastructure, including water and sewage systems	The SEE states that water, electricity, sewage disposal and management stormwater drainage will all be provided	Very few details are provided. The connections are proposed in the south-east corner adjacent to the Crown Reserve. Details on services provision is very light
Who uses the pool – is it just the residents?	There are recreational areas proposed in the development for social and community benefits of the future residents of the development.	As there is no operational plan of management it is not clear, however it seems unlikely that the general public would be able to use the pool.
Socio economic impacts		
Impact on property values		This is not a planning consideration
Negative social and economic impacts not properly researched and addressed, including safety, welfare, property value or environmental impacts.	The development will be positive for the area in that major investment into the economy of the region, additional employment and increase population leading to additional commercial spending in the region.	No social impact statement provided to support the assertions made
No plans for green spaces, recreational areas of community facilities to contribute to a better quality of life		Some green spaces are provided adjacent to the detention basins. Some recreational areas within the houses for a basketball court and a swimming pool for use by the residents.
Safety		
Does not address safety and crime prevention with lower	Safety and security measures will be implemented consistent with all	None are detailed. This would normally be contained in an

Concern	Response from Applicant	Comment
socio-economic residents. What management procedures will be in place for complaints, disputes anti-social behaviour.	residential estates and/or multi-unit developments throughout the district.	Operational Plan of Management but none has been provided despite a request by Council.
Friel Street is adjacent to One Health Services and a primary school. The Catholic Church is also nearby. Safety risks to pedestrians, cyclists and existing residents		The Traffic report has not taken these matters into consideration. Most pedestrian school traffic is to Chapman Street where there is a speed hump and pedestrian crossing.
Complicated road access presents a safety issue for emergency vehicles		No design for the crossing to Friel Street has been provided.
Non-compliance with Local Government Regulations		
Under the planning scheme for Lifestyle Villages the entrance should be appealing, but the awkward doglegged approach from Friel Street over the Crown land prevents this.		This is not an application for a Lifestyle Village for over 55s. However it is agreed that the dog legged entry is not ideal.
Inaccurate plans and limited detail, with inadequate site analysis and inadequate SEE. Does not respond to the Local Government Regulations for Manufactured Home Estates, and is non-compliant with some provisions		Some references to the LG Regulation are made however only in the response to these submissions and Council's request for further information. It is not directly addressed despite it being the principal requirements for this type of development. There are a number of non-compliances, however some regard has now been made to the LG Regulations.
It appears as a caravan park not as regulated under the Local Government Regulations		See above, although caravan parks are regulated under the same regulation (different provisions).
Lack of further details		
Has the land been cleared?		It appears to be partially cleared, however the development would require the removal of the remaining horticultural plantings on the site
Significant excavation and filling likely given building of roads, car parks, bins collection area and two water detention basins to		No full survey of the site and no excavation or earthworks information provided. No air quality assessment provided.

Concern	Response from Applicant	Comment
generate significant noise and dust		
Topography of the site is gently undulating but no contours provided. What earthworks are proposed to create the flat pads and two detention basins?		Agree. No information provided
No dwelling designs for permanent living		Designs for two and three bedroom dwellings have now been provided
No dedicated landscape master plan		Page 3 of 8 of the plans provides for some landscaping with buffer hedging on the northern boundary and very minimal planting within the areas of the dwelling sites

 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:	DA2025/021 & PAN - 484084
Property Title & Address:	2UP DEVELOPMENTS PTY LTD
Property owner(s):	ROY COSTA PLANNING & DEVELOPMENT – Roy Costa
Applicant(s):	Manufactured Home Estate
Proposal:	DA2018/101 Stage 1 - 17 Lot Residential subdivision
Previous Das:	DA2018/102 Stage 1 - 10 Lot Industrial Subdivision S4-55/2023/025 Stage 1 - 17 Lot Residential subdivision S4-55/2023/026 Proposed 10 Lot (Stage 1) Subdivision of a 20 Lot Staged Subdivision DA2023/082 Stage 2 (Eleven) 11 Lot Industrial Subdivision DA2023/085 (TWO) 2 Lot Boundary realignment DA2024/101 - FOURTEEN (14) Lot Subdivision
Cost of proposed development:	\$1,584,000 for Stage 1
Recommendation of officer:	Refusal



Figure 1: Aerial view of the site (outlined in red).

SITE AND SURROUNDING DEVELOPMENT

The site is comprised of Lot 2 DP 1300239 which is identified as being at 48 or 78 Corbett Avenue in Buronga, NSW. However, the site is landlocked with no actual street presentation and no formalised access.

The site is zoned RU5 Village under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The site is an irregular shaped lot that currently includes plantings for primary production although some of this land has been recently cleared. It has an area of approximately 9.819ha. Immediately to the south is a strip of Crown Land containing an open drain and access track separating the site from the residential development to the south.

The site does not contain a heritage item and is not located within the heritage conservation area. The site is not located within the bushfire prone, flood prone land, floodway, terrestrial biodiversity, or wetland area mapping. The site is located within the urban release area.

To the north

Land to the north east is zoned RU4 Primary Production Small Lot and appears to be planted to citrus.

Land to the north is zoned E4 General Industrial. Land to the north of Corbett Avenue in the E4 zone is partially developed for industrial uses. The E4 zoned land south of Corbett Avenue is mostly cleared and vacant land which is undergoing development for industrial purposes around Two Up Drive. A subdivision certificate of Lot 1 DP1300239 for 37 lots was approved on 22 July 2025 under subdivision 11/25 to create DP1305730. It encompasses a three stage development as follows:

- Stage1: Mod 4.55/2023/026 to DA2018/102 for 12 lots (north west portion)
- Stage 2: DA2023/082 for Stage 2 for 11 industrial lots
- Stage 3: DA2024/101 approved 30/09/2024 for 14 lots (southern portion)

A summary of development applications for the industrial site to the north (south of Corbett Avenue) site is below:

30/10/2018	Consent to DA2018/102 for Stage 1 for a 10 lot industrial subdivision of the land fronting Corbett Avenue*
12/10/2023	Consent to DA2023/082 for Stage 2 for 11 industrial lots of the 23 lot subdivision for the north east portion of the industrial units facing Corbett Avenue
12/10/2023	Approval of Mod 4.55/2023/026 to DA2018/102 to amend Stage 1 from 10 to 12 lots for industrial subdivision of Stage 1 (amended from 10 lots) of an approved concept 23 lot staged industrial subdivision for industrial development of land adjacent to Corbett Avenue under DA2018/102
16/10/2023	Consent for DA2023/085 for boundary readjustment between Lots 94 and 95 DP756946 at 105 and 48 Corbett Avenue
30/09/2024	DA2024/101 Consent for subdivision of Stage 3 to 14 industrial lots for land facing Corbett Avenue under original DA2018/102
22 July 2025	Subdivision of the industrial lot to the north of the site around Two Up Drive into 37 lots was approved under subdivision certificate 11/25

A strip of approximately 11m wide of Crown land in Lot 435 DP1217477 separates the 37 lot industrial subdivision around Two Up Drive from the site.

Land to the West

The lot to the west known as 34 Corbett Avenue in Lot 6 DP 822090 is also zoned RU5 Village. Development consent was approved on 11 October 2018 under DA2018/004 for a two stage 111 lot residential subdivision comprising:

- Stage 1: 57 Lots
- Stage 2: 54 lots

Substantive redevelopment has not yet occurred. DA2018/004 was modified:

- on 19/12/2022 under S4.55/2022/007 to include 111 lots plus 2 drainage reserves, a pedestrian link and various other matters
- on 23/10/2023 under S4.55/2023/032 to amend the pedestrian link.

Land to the South

Land to the south zoned RU5 Village around Crane Drive, is developed for dwelling houses.

Land to the south east at Lots 2 DP878007 at Pitman Avenue and Lot 3 DP878007 at 61 Pitman Avenue has been approved for stage 1 of 38 lots of a 6 stage residential subdivision comprising a total proposed 267 lots known as “Red Hill Estate” under DA11/039 on 16 February 2012. Stage 1 fronted Pitman Avenue on its northern side and ran between Rose Street and Melaleuca Street. It is assumed that this DA has lapsed – certainly it is not clear that any works have been undertaken to preserve the DA.

Under DA2021/050 approved on 28 September 2022, the same land as under DA11/039 “Red Hill Estate”, was again approved for Development. Lot 3 DP878007 at 61 Pitman Avenue was approved for stages 1 to 6 (161 lot subdivision). Stage 8 is indicated in that plan as being for proposed stage 8 – to bring the total subdivision to 262 lots and was proposed on Lot 2 DP878007. The majority of the lots in the Red Hill Estate DA2021/050 are approximately 600m² to 1200m². A separate application for subdivision of stage 8 will be required. Land in both parcels of land were formerly citrus groves however this is now cleared.

Lot 453 DP1217477 Crown Land

The dwellings surrounding Crane Drive to the south of the site are separated from the site by a strip of approximately 21m wide of Crown land in Lot 453 DP1217477. Figure 2 shows the Crown Land lot of Lot 453 DP1217477.

The application proposes access over part of Lot 453 to provide access to Friel Street, which in turn leads to access to Pitman Avenue, to the east of the Siver City Highway.



Figure 2: Lot 453 DP1217477 – Crown Land title to the north and south of the site

On 16 February 2024 Council entered into a licence agreement RN 644081 with The Minister administering the Crown Land Management Act 2016 over 4500m² of part of Lot 453 for the purpose of road construction, with the licence area as shown in Figure 3 below. The licence is revocable at will by the Crown.



Figure 3: Licenced area from the Crown to Wentworth Shire Council

On 19 February 2025 Council entered into a Deed of Agreement with 2Up Developments Pty Ltd (the Developer) relating to the licensed area which contains a condition precedent to the commencement of the Deed, that the deed is subject to and conditional upon the parties obtaining the consent of the Minister administering the Crown Land Management Act 2016, with the burden of obtaining that consent placed on 2Up Developments Pty Ltd. No evidence of that consent has been provided as part of the application. It is therefore unclear if the licence over the licensed area under the Deed of Agreement has commenced. The Deed requires the Developer to complete the construction of a road access to the site (Lot 2 DP1300239). The Deed acknowledges that the licence provided under the Deed will terminate if the Crown Licence to Council is terminated.

On 17 December 2025 Council resolved to compulsorily acquire Lot 453 DP1217477 and various parts of other lots, including part of the site near the proposed entry, and parts of other lots close to Lot 453.

No designs for the road works over the licensed area have been provided as part of the development application.

Table 1: Site details

Zoning of the site	RU5 - Village
Heritage	No
Flooding affected	No
Bushfire prone area mapped	No
Biodiversity Values mapped	No
Acid sulphate soil mapped	No
Urban release areas mapped	Yes
Terrestrial biodiversity	No
Wetland mapped	No

DESCRIPTION OF PROPOSAL

Proposed is a Manufactured Home Estate (MHE) on Lot 2 DP1300239. The proposal is not made by way of a Concept DA under Division 4.4 of Part 4 of the EP & A Act.

The originally proposed development was for staged development – over 5 stages. The proposal was originally to provide:

- 218 small lots measuring 200m² for each lot in Stage 1 (other stages not identified) for persons to locate a manufactured home onto each lot
- community facilities comprising a half basketball court, a tennis court, indoor swimming pool, function centre, reception area amenities block and jumping pillow
- two detention basins
- there was virtually no buffer to the northern boundary.
- Access to be over the Crown land to the south connecting to Friel Street.
- 16 visitor car spaces
- No waste area

Despite the DA form indicating that the application is not for a concept or staged development, the original documentation indicated the proposed development would be staged as per below:

- Stage 1 - 32 Lots measuring 200m² each (lots 1-32), 2 x Detention basins, entrance road works and visitor carparking, a jumping pillow and an amenity building.
- Stage 2 – 13 Lots (size of site unknown) (lots 33-45), indoor swimming pool, Reception building, visitor car parking area, and function centre.
- Stage 3 – 51 Lots (size of site unknown) (lots 46-96).
- Stage 4 - 79 Lots (size of individual sites unknown) (lots 97-175), Basketball court, Tennis court, amenities building.
- Stage 5 – 43 Lots (size of individual sites unknown) (lots 176 -218).

The original proposal is as set out in Figure 4.



Figure 4: Original proposal for 218 lots in five stages

At the time of this report, the proposal now includes as follows and as shown in Figure 5:

- No staging
- 181 Lots with the majority at 200m² to 210m², with 23 lots of 450m²
- Community facilities of half basketball court, tennis court, indoor swimming pool, function centre, and jumping pillow. Adjacent to the two detention basins are seating. An outdoor gym is adjacent to the northern detention basin.
- Manager's residence/reception building
- Two detention basins

- Increased buffer 30m to the northern boundary.
- Access to be over the Crown land to the south connecting to Friel Street.
- 37 visitor car spaces
- Waste area near front gate
- 500kL water storage near front gate
- 2.7m high acoustic fencing surrounding the site except on the southern boundary where a fence of unspecified height and materiality is proposed
- Concept road profile of 10m wide internal access road reserves
- Landscape plan including buffer planting to the north
- Plans demonstrating fire services layouts and fire brigade hardstand near the front of the site adjacent to the waste services area
- Lighting plan
- A rudimentary drainage plan with no modelling



Figure 5: Proposal for final assessment as uploaded on 17 February 2026

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Council has had some discussion regarding infrastructure and servicing such a development within an area of the shire struggling to meet increasing demand. There is a complicated history, with intertwining discussions concerning various applications for the lot to the north of the site – now subdivided into 37 industrial lots around Two Up Drive, and the site in question.

25/10/2018	Consent under DA2018/101 at 48 Corbett Avenue (Lot 94 and 95 DP756946) for Stage 1 – a 17 lot residential subdivision of a concept staged 89 lot concept residential development <u>of the site</u>, Conditions require payment for sewerage headworks, unfiltered water headworks and filtered headworks with any further subdivisions requiring further headworks fees. Record DOC/18/17867: DA2018/101 Notice of Determination COCK Stage 1 - 17 Lot Residential Subdivision Corbett Avenue Lot 94 & 95 DP 756946 Buronga The concept plan included: • Stage1: 17 (amended in 2023 to 18 lots) lots • Stage 2: 21 Lots • Stage 3: 11 Lots • Stage 4: 23 Lots • Stage 5: 16 lots
12/10/2023	Approval of Mod 4.55/2023/025 to DA2018/101 to amend Stage 1 from 17 to 18 lots lot residential subdivision of the 89 lot concept plan of the site. No s 7.11 contributions were imposed but is a requirement to pay sewerage, water head works etc on 18 lots Record DOC/23/22914: S4-55/2023/025 Notice of Determination Modify 2018/101 MH2 / COCK Stage 1-17 Lot Residential Subdivision 48 Corbett Avenue Lot 94 & 95 DP 756946 Buronga
31/10/2024	Documents were uploaded to the portal
01/11/2024	A request for various matters was made including: • Costs clarification • Dated owner's consent • Traffic impact report for the whole development • Assessment against Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 • Show areas of the dwelling sites • Floor and elevation plan for the gym and amenities building • Details of road width • Landscaping details • How the proposal will interact with the existing approval
22/01/2025	Response provided to the above matters from 01/11/2024, although some matters were not fully answered
23/01/2025	Council requested before lodgement the following is required: • Traffic impact report for the whole development added to "other" document category. • Floor and elevation plans of the amenities building
11/02/2025	The development application was lodged with Council.
14/02/2025	A request for additional information letter was submitted to the applicant, requesting Crown land owner's consent for access via Friel Street. A letter evidencing a licence from the Crown to Council was provided.
23/01/2025	Response to request for additional information received regarding the documents to be submitted before lodgement.

24/02/2025	The applicant uploaded a licence from the Minister to Wentworth Shire Council over part Lot 453 DP1217477, being Reserve 1013826 <i>Note however this is not landowner's consent and this request remains outstanding.</i>
24/02/2025	A request for additional information letter was submitted to the applicant, requesting the following: • Preferred locations of connection to filtered water, raw water, sewer and stormwater • Required flow rates and pressures for filtered and raw water supplies (including calculations / assumptions) • Discharge flows and volumes for sewer (including calculations / assumptions) • Stormwater functionality (including any detention / retention calculations / assumptions) • Stormwater discharge flows / volumes (including calculations / assumption)
25/02/2025	The development application was placed on 14 days public exhibition and readvertised for 28 days notification until 25 March 2025
04/03/2025	A request for additional information letter was submitted to the applicant, requesting the following information: An amended SEE addressing the following as a minimum is requested: • Legislation, Environmental Planning Instruments and Policies relevant to the application. Including assessment and permissibility. • In-depth details of the site, surrounds and the proposed development. • Waste Management Plan. • Plan of Management. • Site preparation details. • Manufactured Home Site dimensions, home details and method of installation. • Ongoing methods for installation of housing. • Details of all community facilities. • Details of staging. • Landscaping plan. • A plan indicating the provision of fire hydrants across the facility. • SEE states that no community building is part of this stage – Amenities building and jumping pillow identified for Stage 1 on site plan. • An explanation of how the Community Amenities and jumping pillow meets requirements – 10% of the total land area when proposed development is staged. • Proposed Stage 1 sites 26 – 32 do not have road frontage, an amended plan for this stage facilitating road frontage is required. • The setback of the proposed amenities building (community building) to a dwelling site does not meet requirements prescribed. • Details of the detention basins proposed on site. • Identification of at least 1 disability parking space on site plan.

	• Site plan to include lighting.
09/03/2025	Response to request for additional information received regarding the issues raised in the RFI dated 24/02/2025
13/03/2025	In response to the information uploaded on 09/03/2025 a request for additional information letter was submitted to the applicant seeking expansion on the following: • A separate breakdown of flow rates and pressures for filtered and raw water supplies (including calculations / assumptions). This information should be provided per stage and for the full site for both filtered water and raw water.
24/03/2025	A request for additional information letter was submitted to the applicant, requesting the following amendments to the Traffic Impact Assessment: a) Trip distribution rates for AM/PM peaks b) Use of the TfNSW Guide to Transport Impact Assessment (2024) not the seniors housing rate under the RTA document c) Include consideration of background traffic, including ratio of light and heavy vehicles in AM/PM peaks d) Capacity analysis (eg SIDRA) of the intersections at Silver City Highway / Pitman Avenue and Stuart Highway / Chapman Street e) Projected cumulative traffic at commencement of operation and 10 year horizon highlighting known developments in the vicinity Additionally Council should consider: • Adequate safety measures around nearby schools, limiting heavy vehicle movements during peak school periods during construction • Pedestrian accessibility and alternative modes of transport from the MHE via Friel Street and local roads (eg cycling, walking) • To mitigate impacts, no access from Corbett Avenue
28/03/2025	A request for additional information letter was submitted to the applicant, requesting a response to the 10 submissions raised as part of the community participation.
29/04/2025	Response to request for additional information received regarding: • the various matters requested on 04/03/2025 • the Traffic Impact Analysis requested on 24/03/2025 • response to submissions requested on 28/03/2025 Response to request for additional information received. • Legislation, Environmental Planning Instruments and Policies relevant to the application. Including assessment and permissibility. • In-depth details of the site, surrounds and the proposed development.
02/05/2025	Response to request for additional information made on 13/03/2025 was received.
08/08/2025	Response to request for response to the TfNSW referral received. Items 1-7 accepted. Accept no access via Corbett Avenue. Will accept a condition requiring pedestrian accessibility, public transport and other alternative transport modes to be via Friel Street
23/10/2025	The following additional information was requested by Council. Amendments and details of site layout:

	1. Provide amendment of the layout of the MHE to fully comply with the requirements of Part 2 Division 3 in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. This will include: a) a 3m setback to the boundaries of the MHE b) compliance with the passing bay requirements in Subdivision 4 c) Provide evidence of communications with services providers to be able to show compliance is achievable with Subdivision 4 . The desire to draw services from close to the proposed frontage is noted however no details identifying that this is achievable are provided. d) Detail the road reserve widths and the surface finish of the roads and passing bays. Note that all roads other than the internal roads in Stage 2 are defined as major access roads under s 4 of the Regulation. e) Note that the response of 22 January 2025 is insufficient to demonstrate compliance. The setbacks will require a substantial amendment to the proposal. 2. Provide the size of every proposed lot for all stages (see s 7 of the Regulation) as the application is not a concept DA. 3. Provide a calculation of the area of the site set aside for community amenities as required by section 13 of the Regulation. 4. Provide an example of the manufactured homes proposed, and their layout on each lot – demonstrating the provision of car parking on the lot. Note that Part 2 Division 4 of the Regulation imposes very strict requirements on the construction and layout of manufactured homes (they must be certified) and you must demonstrate that the requirements, including such matters as site coverage and open space can be achieved. 5. Provide plans, elevations and sections for every building (not being the manufactured home itself). This includes the reception building and function centre. 6. Provide details of the proposed pool volume. 7. Provide setback distances and dimensions for the tennis court and basketball court. Their current position within a few metres of dwellings is unacceptable from an acoustic privacy perspective. 8. Provide a landscaping plan which illustrates the hedging buffering (including proposed species) which is stated to apply. Include pathways and other passive recreation facilities within the site for community use, for instance around the detention basins, seating, a playground. Breakout areas for passive communal recreation opportunities should be included for Stages 3 and 5. 9. Identify the location of the garbage receptacles, including details illustrating the space is adequate. Provide a Waste Management Plan. 10. Identify the manager's residence in the plans. If this is not a manufactured home a BASIX certificate is required.
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	11. Correct the reference to a 30m buffer near units 171-175. The Crown Reserve is approximately 11m wide. A buffer is required to the industrial and agricultural uses adjacent to the site as recommended by “Buffer zones to reduce land use conflict with agriculture: An interim guideline” and as a principle in the Buronga Gol Gol Structure Plan 2020. The buffer zone must provide sufficient space to provide buffer mitigation measures to ameliorate the rural impacts. Hedging and fencing should be provided within the buffer. 12. Detail the proposed fencing. 13. Detail the proposed entry by way of an elevation to the site from the Crown Reserve. 14. Advise if the uploaded plans from 11 January 2025 for an amenities building which is not shown on the amended plans still forms part of the application and if so, where those buildings will be located on the plan. Traffic: 15. Clarify whether the numbers applied in the Amended Traffic Impact Assessment for traffic generation can be relied upon, given they assume a village for over 55s (Lifestyle Village) whereas the MHE is not so limited. 16. The Traffic Impact Assessment references the incorrect Local Government regulation (2005) not 2021 17. Provide the strategic design to the channelised right-turn lane on the northbound approach of the Silver City highway, including swept paths illustrating the design vehicle of a 19m semi-trailer as requested by TfNSW in their letter of 12 June 2025. 18. Notwithstanding the statement in the TIA that bus stops are within 350m of the site, the nearest bus stop on the Silver City Highway going south is approximately 1.3km from the eastern part of the site and about 1km from the bus stop going north. Is any transport to be provided from within the MHE to facilitate access to public transport? 19. The Traffic Impact Assessment references the proposal as a Lifestyle Village which is not a NSW planning term associated with Manufactured Home Estates. Services: 20. Provide a staging plan illustrating when the detention basins and other infrastructure will be installed. 21. Label the location of the fire service tanks which is set out in Sheet 5 of 6 of the plans. 22. Provide a survey of the site. From this you must provide: a) the proposed earthworks for the site which presumably form part of the application but are not requested b) a stormwater plan demonstrating how the stormwater will flow around the site to the proposed detention basins. Page 6 of 6 merely shows a pipeline between the two detention basins. Details of pollution control are required. 23. Provide discharge flows and volumes for the sewer for each stage of the proposal. 24. Demonstrate that the servicing of the site by sewer, water (filtered and raw) and the management of stormwater can be provided without impacting the surrounding networks to any greater extent than that which has been approved by a concept plan under DA2018/101 for 89 lots on the
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	site. Note that Council's infrastructure is considered adequate to service the density as currently approved under DA2018/101 and not the density as proposed. Other matters: 25. Provide a social impact assessment for the MHE. It is a different form of development to other residential developments which have been approved in the area. This should include consideration of to which groups the MHE will be marketed. 26. Detail what is meant by your response to the submissions which states "The development is normal housing in that the housing can be individually privately owned; and can be subdivided onto separate titles." The application does not include subdivision. Manufactured home estates are generally operated by way of leasing the site and owning the dwelling. What is proposed? 27. Provide details of proposed earthworks to enable assessment against s 7.1 of the LEP. Those works should be detailed on the required survey 28. Access to the site is to be by the Crown Reserve, over which a licence has been provided to Council. The owner remains the Crown and the grant of a licence does not equate to Crown Land owner's consent. This remains outstanding. 29. Provide an Operational Management Plan. 30. The application is stated not to be staged or a concept plan, however details of the stages other than Stage 1 are not set out in the application. Council is unable to treat the application as a concept plan unless the applicant has requested it (which they have not). As the details of the whole application are not provided, a proper assessment cannot be undertaken.
24/10/2025	Request for additional time to respond to request from 23/10/2025. Granted to 22 December 2025
26/11/2025	Additional information is required further to the RFI dated 23 October 2025 to provide a Preliminary Site Investigation (PSI) report is required by virtue of Chapter 4 Remediation, Section 4.6 of SEPP (Resilience and Hazards) 2021. The proposed manufactured home estate seeks a change of use from agricultural and horticultural uses (as set out in Table 1 of the Contaminated Land Planning Guideline) to residential uses. The report is to be conducted by a qualified experts to provide information on which the consent authority can consider and satisfy itself of the matters set out in section 4.6(1) of the SEPP. Note that report may lead to a requirement for a Detailed Site Investigation depending upon the outcome. <i>Note that no Preliminary Site Investigation has been provided and this remains outstanding</i>
08/01/2026	Additional information provided to RFI from 23/10/2025

28/01/2026	Additional information provided in response to the RFI issued on 23 October 2025. The following matters remain outstanding. (numbering used from the RFI). 1.(a) Noted (b) Not shown on plans unless it is shown in plan 2 (c) No evidence provided from the electricity supplier. Drainage and sewerage and water will be subject to internal review by Council's engineers. You have indicated either a staged approach to the homes over 127, or storage tanks. Which are you requesting and where would those storage tanks be? Are you suggesting a concept plan by seeking a staged approach? (d) Road width no doubt in the plan which cannot be opened. It must indicate the passing bay requirements in the regulation are met. 2. Noted 3. The communal area is non-compliant. The area of the site is 9.819ha = 98,190m². A minimum of 10 % for community activities and recreation must be provided, noting this is not just communal areas such as roads, parking, hedging – it is for recreation and communal activities. You have indicated 9114.2 which is 9.28% and does not meet the requirements under the regulations. A plan must be provided illustrating which areas are included in the calculation and they must be areas which meet the description in section 13(1) of the Regulation. 4. You have provided plans for a 1 bed and a 3 bed unit, however you state it is a 2 and a 3 bed unit. Please clarify. 5. Provide plans, elevations and sections for the reception building/ manager's house and function centre. 6. Noted 7. Relocation noted. How is the acoustic impact from the half basketball court to be treated? 8. Noted 9. Provide a waste management plan 10. Provide the Basix for the manager's residence 11. Noted 12. Noted 13. Provide the frontage presentation elevation of the estate to the public domain. Are there to be gates, a fence etc? 14. Noted no amenities building proposed Traffic 15 to 19 – no details provided Services 20. It is unclear how the proposal is to be constructed given the proposal to only build 127 dwellings initially. Clarify. 22. Provide the survey as requested, including earthworks. It is noted that the drainage plan which cannot be opened may contain the stormwater details 23-24 – for review by Council's engineers Other Matters 25-30 are not addressed.
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	Note that the RFI requiring a preliminary site investigation was due on 23 January 2026 and has not been received.
06/02/2026	The applicant requested an extension of time for an additional 30 days to provide the required information.
17/02/2026	Lodgment of amended plans addressing some of the matters in the RFIs
24/02/2026	Additional time given to the applicant to respond to the RFI relating to the earlier request for additional information. The following matters remain outstanding: 1(b). 1(c). 1(d) .No passing bays shown 7. No acoustic treatment provided for the basketball court and no acoustic report identifying what is required 9. 10. 12. There is no acoustic report identifying required treatment, nor any engineering assessment of the appropriateness of the acoustic fencing at the considerable height of 2.7m. Provide an acoustic report (including in relation to the basketball acoustic treatment. 13. The plan does not indicate height or materiality. The DCP maximum front fence height is 1.2m (s5.1.14 in Chapter 8). 15-19. 20. 22. A survey has been provided on which there is a cut and fill depths table however there is no indication as to where the numbers and colours apply. The site falls from approximately RL49.36 in the south east to RL42.29 in the north and the RL at the entry road is approximately RL44.6. It is unclear whether the plan is to completely flatten the site (and if so, what level that is). If it is intended to flatten the site there is no justification provided for the significant amount of earthworks which that would require. 25-30. Re number 28, see the response to number 22 above – it remains very unclear what and where earthworks are proposed Preliminary Site Investigation
25/02/2026	BASIX certificate provided for manager's residence

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Housing) 2021

Principles of the policy are to:

- a) enabling the development of diverse housing types, including purpose-built rental housing,*
- b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- c) ensuring new housing development provides residents with a reasonable level of amenity,*

- (d) *promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) *minimising adverse climate and environmental impacts of new housing development,*
- (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) *mitigating the loss of existing affordable rental housing.*

Part 8 Manufactured home estates

Chapter 3 Part 8 includes provisions about the diverse housing of manufactured home estates (MHE). Under section 119, the Part applies to the LGA of Wentworth.

118 Aims and strategies

- (1) *The aims of this Part are—*
 - (a) *to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and*
 - (b) *to provide immediate development opportunities for manufactured home estates on the commencement of this Part, and*
 - (c) *to encourage the provision of affordable housing in well designed estates, and*
 - (d) *to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and*
 - (e) *to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and*
 - (f) *to protect the environment surrounding manufactured home estates, and*
 - (g) *to provide measures which will facilitate security of tenure for residents of manufactured home estates.*

The Amended SEE provided by the applicant includes the following comments in relation to applicability of the Housing SEPP.

The Manufactured Home Estate proposal aligns with several key principles of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), supporting its relevance and potential benefits for the community.

Firstly, the proposal contributes to housing diversity by providing an alternative option for affordable and sustainable living. Manufactured homes are well-suited to low to moderate income households, including seniors and vulnerable groups, offering an affordable housing solution that meets their specific needs.

The development will ensure that residents enjoy a reasonable level of amenity, with thoughtfully designed green spaces and essential community facilities. It also takes full advantage of the site's location within a well-connected area, utilizing existing infrastructure and services, such as nearby schools, medical facilities, and retail areas.

In line with the policy's emphasis on sustainability, the proposal incorporates environmentally responsible practices, such as native vegetation, stormwater management, and green spaces, minimizing the environmental footprint. The design also ensures that the development respects and enhances the local character, maintaining harmony with the surrounding environment. Overall, the proposal meets the principles of the Housing SEPP by offering diverse, affordable housing while promoting sustainable development in an area with good access to infrastructure and services. This makes it a suitable and beneficial addition to the Buronga township.

Assessor's comments: The proposed MHE is seen as a contemporary form of medium density housing that can be applied and suit, alternative housing arrangements often aimed at seniors living and lower income housing options. MHEs are also aimed at providing affordable housing in well designed estates in suitable locations and include amenities suitable for the estate community. The proposed MHE location within the Buronga area does not appear to be of any environmental significance.

In relation to the comments in the SEE:

- it is acknowledged that the proposal will be diversity to the existing range of housing types, given that there is no approved MHE in Buronga or Gol Gol.
- Whilst it is likely the accommodation would be more affordable than more traditional housing, as no leasing rates are provided as part of the application, little weight can be applied to such a statement.
- Some community facilities are to be provided.
- It is not agreed that the site is a well-connected area, as discussion as to the availability of services leads to a conclusion that there is inadequate information to be satisfied that adequate essential services can be provided to the MHE. The site is however relatively close to a medical centre on the corner of Pitman Road and Silver City Highway and the Buronga Public School which is also on Pitman Avenue.
- There is very little information to substantiate any statement that the proposal incorporates environmentally responsible practices. There is no provision for rainwater catchment, no reuse of grey water, no stormwater system which is set out in any detailed manner, nor photo voltaic cells, no EV charging for vehicles, and a scant landscape plan
- No assessment under section 125 of the Housing SEPP was provided in the Amended SEE.
- No assessment under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, as required for consideration under section 125, was provided by the Applicant.

Section 122 establishes where MHE may be carried out, but excludes categories listed in Schedule 6, land dedicated or reserved under the National Parks and Wildlife Act 1974 or land within a Crown Reserve. The proposal intends on obtaining access via the Crown Land to the south of the site, however this is not a Crown Reserve.

Schedule 6 relevantly excludes:

- 4 Land which, in the opinion of the council, is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.
 - Comment: Some of the submitters had concerns about proximity to industrial and agricultural uses. It is not considered that these fall within section 4 of Schedule 6.

- 6 Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description—...
 - rural (where the land is not adjacent to or adjoining land zoned for urban use).
 - Comment: RU5 is a rural zone, however the objectives are land uses, services and facilities associated with a rural village and the promotion of development compatible with their urban function, including the delivery of new residential and employment growth in Buronga and Gol Gol. The site is also within the Urban Release Area. It appears that the site is not excluded from the application of the Regulation.
- 9 Flood liable land as defined in [Murray Regional Environmental Plan No 2—Riverine Land](#).
 - Comment: The land is not shown as flood liable land,

Section 124 provides for subdivision of MHE. No subdivision is proposed by this application.

Section 125 sets out matters for on which a consent authority must be satisfied, and matters for consideration by Councils as set out in the table below:

SEPP Housing s 125 Considerations for MHE	Comment on the proposal
(1) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only if it is satisfied—	
(a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and	See discussion of services provisions under consideration of section 7.2 of the Wentworth LEP 2011. It is considered that there is insufficient information to be satisfied that the MHE will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity,
(b) that the manufactured home estate is or will be provided with adequate transport services, and	Bus stops are approximately 1.3km distant via Friel Street. No additional public transport for the MHE has been offered. That is a significant walk for those carrying shopping or who are challenged walking. Physical vehicular access to the premises has not been demonstrated, nor has land owner's consent over the Crown Land been provided.
(c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and	Community facilities are: Stage 1: Jumping pillow, entry area with detention basin and landscaped area Stage 2: Function centre, indoor pool Stage 4: Tennis court and half basketball court
(d) that the development will not have an adverse effect on any— • conservation area • heritage item	No such areas or items are in the vicinity

SEPP Housing s 125 Considerations for MHE	Comment on the proposal
waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned.	
(2) A council may grant a development consent pursuant to this Part allowing development for the purposes of a manufactured home estate only after it has considered the following—	
(a) the cumulative impact of the proposed development and other manufactured home estates in the locality,	No other MHE are approved in the locality
(b) any relevant guidelines issued by the Director,	None appear relevant
(c) the provisions of the <i>Local Government (Manufactured Home Estates) Transitional Regulation 1993</i> .	This Regulation was replaced by the <i>Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995</i>, which itself was replaced by a 2005 Regulation and is now covered by the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>. See consideration of the 2021 Regulation. The proposal does not provide passing bays as required by the Regulation, however otherwise complies

In summary, the consent authority cannot be satisfied of the matters required for satisfaction under section 125 of the Housing SEPP. As set out under the assessment under section 7.2 of WLEP 2011 later in this assessment report, insufficient information has been provided to demonstrate that the proposed MHE can be adequately serviced for sewer, water, stormwater and access services. There is also non-compliance with one of the matters for consideration – the relevant Regulations.

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 is of non-native horticultural plantations and does not exceed the biodiversity offset scheme threshold.

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.

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: 1834279S Date of issue: 23 February 2026) has been issued in relation to the manager's residence 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. The site involves a change of use from agricultural/horticultural uses to residential uses and under Chapter 4 section 4.6(2) of the SEPP, if the land is specified in subsection 4.6(4) the consent authority must consider a preliminary investigation. A preliminary site investigation was requested on 26 November 2025 and has not been provided.

Chapter 4 of the SEPP is a mandatory consideration which, if not complied with, provides a jurisdictional bar to development consent. As no preliminary site investigation has been provided the application must be refused.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The site proposes access via Friel Street and is in proximity to the classified state road network, including the City Highway (HW22) and the Sturt Highway (HW14), known locally as 'Hendy Road'. Council sought advice from TfNSW in relation to traffic generating development under Schedule 3 of the Transport and Infrastructure SEPP. TfNSW responded to the original request on 21 March 2025, seeking further information and analysis in the Traffic Impact Assessment. TfNSW sought amendments to the TIA as follows:

- a) *Trip distribution rates (for the full development) indicating how the daily and AM/PM peaks will be attributed to the existing road network, specifically the above-mentioned classified road network intersections.*
- b) *Confirmation of trip generation rates noting that rates for seniors housing has been applied as per the RMS Guide to Traffic Generating Development. Please note, TfNSW has adopted the Guide to Transport Impact Assessment (2024) to provide guidance and appropriate criteria for impact assessments. The SOEE does not indicate that the manufactured housing estate will be used exclusively for seniors living and includes provision of recreation facilities and function centre as well as visitor parking. Clarification is required to confirm that the accurate trip generation rate has been applied in accordance with TfNSW supplements and guidelines.*
- c) *Consideration of background traffic must also be included in this assessment, including confirmed ratio of light vehicles and heavy vehicles during AM/PM peaks.*

- d) *Capacity analysis, including submission of an electronic model (e.g. SIDRA analysis) of the intersections at Silver City Highway (HW22) / Pitman Avenue and Sturt Highway (HW14) / Chapman Street, addressing interactions between existing background traffic and development related traffic.*
- e) *Projected cumulative traffic at commencement of operation, and a 10-year horizon post commencement, highlighting any known developments in the vicinity that would contribute to cumulative traffic impacts.*

Additional comments

In addition to the above, TfNSW has identified the following areas that should be considered to achieve better outcomes for the transport network:

1. *Council should ensure that adequate safety measures are implemented on the local road network for development traffic, particularly around nearby school zones. Ideally, heavy vehicles movements should be limited during peak school periods during the construction phase of the development.*
2. *Council should consider pedestrian accessibility and alternative modes of transport to and from the manufactured housing estate via Friel Street and surrounding local roads including cycling, walking, etc.*
3. *To mitigate impacts and interactions with surrounding land uses, no access should be provided from Corbett Avenue.*

An amended Traffic Impact Assessment Report was provided on 29 April 2025. On 12 June 2025 TfNSW provided a response to the Amended TIA:

TfNSW has reviewed the additional information provided and has completed its assessment of the potential development impacts to the classified (State) road network, namely the Silver City Highway (HW22) and Sturt Highway (HW14). The amended Traffic Impact Assessment (TIA) indicates that a significant proportion of trips from the subject site will utilise the existing HW22 / Pitman Avenue intersection. The subject site is in proximity to other development sites and sensitive land uses that will likely contribute to the cumulative traffic impacts on the existing road network.

Accordingly, TfNSW provides the following comments for Council's consideration: (NB: These items are NOT written as conditions of consent).

1. *Cumulative traffic impacts following the completion of the proposed development will facilitate the requirement for an upgrade to the existing Silver City Highway (HW22) / Pitman Avenue intersection to include a channelised right-turn lane (CHR) on the northbound approach of the classified (State) road.*
2. *Strategic designs should be prepared illustrating these works, in accordance with Austroads Guide to Road Design and relevant TfNSW standards and supplements. Swept path diagrams should also be provided illustrating the design vehicle (19m semi-trailer) executing safe and efficient turning movements in accordance with relevant guidelines.*
3. *Any future road works required on the Silver City Highway, will require the developer to enter a Works Authorisation Deed (WAD) with TfNSW. TfNSW would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72, 73 or 87 of the Roads Act, as applicable, for all works under the WAD.*

NB: It is requested that Council advise the developer that Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

- 4. All road works associated with the development shall be undertaken at full cost to the developer and at no cost to TfNSW.*
- 5. Prior to the commencement of any construction work impacting traffic on the Silver City Highway, the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. <https://roadswaterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.*
- 6. No direct access to the development site is permitted from the Silver City Highway (HW22) and should utilise the local road only.*
- 7. Council should consider implementing a Construction Traffic Management Plan (including Driver Code of Conduct) to manage construction traffic impacts on the road network. Adequate safety measures should be in place during the construction phase of the subject development, particularly around sensitive land uses such as local schools. Heavy vehicle movements should be limited during school peak periods.*

Additional comments

TfNSW has identified the following areas that should be considered to achieve better outcomes for the transport network:

- 1. To mitigate impacts and interactions with surrounding land uses, no access should be provided from Corbett Avenue.*
- 2. Council should consider pedestrian accessibility, public transport and other alternative modes of transport to and from the manufactured housing estate via Friel Street and surrounding local roads.*

On 4 August 2025 the Applicant responded to TfNSW comments as follows:

The comments provided by TfNSW listed as items 1 – 7 in the attachment are accepted by the owners/developers of the Manufactured Home Estate; and as the proposal is to be a staged development, the design and contribution to the construction of works at the intersection of Pitman Avenue and Silver City Highway be undertaken prior to the last stage of the overall development.

The owners/developers agree to Wentworth Shire Council placing the appropriate conditions upon the Development Approval reflecting the requirements of TfNSW.

Furthermore, in respect to the additional comments provided by TfNSW, we also advise the following:

- The owners/developers consent to no access being provided to the Manufactured Home Estate from Corbett Avenue; and
- The owners/developers consent to a condition being placed upon the Development Approval requiring pedestrian accessibility, public transport and other alternative modes of transport to and from the manufactured home estate via Friel Street and surrounding local roads in the detailed design.

Assessor's comments: The application is no longer to be staged, however no amendment to the response is provided. No detailed designs have been provided. On 23 October 2025 an RFI was sent to the applicant with a number of traffic related issues as set out below. No response to any of the issues has been provided.

15. Clarify whether the numbers applied in the Amended Traffic Impact Assessment for traffic generation can be relied upon, given they assume a village for over 55s (Lifestyle Village) whereas the MHE is not so limited.
16. The Traffic Impact Assessment references the incorrect Local Government regulation (2005) not 2021
17. Provide the strategic design to the channelised right-turn lane on the northbound approach of the Silver City highway, including swept paths illustrating the design vehicle of a 19m semi-trailer as requested by TfNSW in their letter of 12 June 2025.
18. Notwithstanding the statement in the TIA that bus stops are within 350m of the site, the nearest bus stop on the Silver City Highway going south is approximately 1.3km from the eastern part of the site and about 1km from the bus stop going north. Is any transport to be provided from within the MHE to facilitate access to public transport?
19. The Traffic Impact Assessment references the proposal as a Lifestyle Village which is not a NSW planning term associated with Manufactured Home Estates.

Access via Friel Street remains unresolved given the lack of owner's consent over the Crown Land. TfNSW have indicated that various upgrades will be required to Pitman Road and Silver City Highway junction, however the applicant has not apparently made any effort to further examine the most basic elements of the proposal – that being how access will be granted to the site. However, consultation has occurred with TfNSW as required by section 122 of the SEPP.

Wentworth Local Environmental Plan (LEP) 2011

The development site is subject to WLEP 2011.

Part 2 – Permitted or Prohibited Development

The site is zoned RU5 Village, where Manufactured Home Estates are permissible with consent. The proposal is generally consistent with the relevant zone objectives because:

- The proposal includes some community facilities such as a tennis and basketball court, pool and function area which will benefit the MHE, however not the rural village as a whole
- The site will be used for residential purposes
- This development provides a new form of residential development within Buronga

However the proposal is inconsistent with the objective to encourage well serviced sustainable development because:

- Assessment has shown that there is insufficient information to demonstrate that adequate arrangements for essential services have been made for appropriate services provision, and
- There are no sustainability features of the design which have been identified. No details of water sensitive urban design, or use of renewable energy systems have been proposed.

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.*

Part 4 – Principal Development Standards

Part 4 Principal Development Standards are not applicable to this application. There is no minimum lot size under the LEP.

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 identified in the Urban Release Areas. The public utility infrastructure essential for the proposed development has not been demonstrated to be available or will be available when required as set out in clause 6.2 of WLEP 2011.

See consideration of services under section 7.2 of the WLEP 2011 below.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

The site is not flat as evidenced by the Contour Plan of MH2 dated Jan 2026 uploaded to the portal on 17 February 2026. That contour plan shows spot heights of between RL49.36 to FL42.29. The plan of is of little assistance in identifying the proposed earthworks because:

- It does not include the whole site
- The cut and fill table identifies numbers and colours which are not shown on the plan

There is no indication of how the site will be managed as far as levelling, retaining walls, the amount of soil to be excavated for the drainage reserve, if any fill is to be imported, or any excavated soil is to be removed from the site.

There is insufficient information for the consent authority to properly consider the matters required for consideration under clause 7.1(3) of the WLEP 2011. Accordingly, the assessment required by clause 7.1 of the WLEP 2011 is unable to be undertaken.

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.

Council's engineers have noted that the new development will increase the housing density more than the traditional "house and land" block arrangement would have, putting increased demand on the limited services. Filtered water, raw water, sewer and stormwater are located in Friel Street near the entrance to the Two Up Drive Buronga Lifestyle development.

Council's Engineer required the following information which was provided by way of an RFI:

- Preferred locations of connection to filtered water, raw water, sewer and stormwater.
- Required flow rates and pressures for filtered and raw water supplies (including calculations / assumptions)
- Discharge flows and volumes for sewer (including calculations / assumptions)
- Stormwater functionality (including any detention / retention calculations / assumptions)
- Stormwater discharge flows / volumes (including calculations / assumptions)
- Pathway connection from the estate to Friel Street entrance & connection along Friel Street to match existing pathway.

The applicant provided estimates of filtered and raw water usage over the originally proposed 5 stages of the development for 219 dwellings at a supply pressure of 200kPa with flows of 249.2L/day of filtered water and 373.80 L/day of raw water per dwelling.

(a) Water Use

In response to a request for further information on 24 February 2025, the applicant provided the following information on 9 March 2025:

- Filtered water, raw water, sewerage and stormwater connections are preferred at the south-west corner of the site from the Crown Land adjacent to the rear of the houses on Crane Drive, at the proposed entry.
- Required flow rates for Stage 1 and the full site were provided based on flows of 623L/day for stage 1 (32 units) and for 218 units at a supply pressure of 200kPa.
- Discharge flows for sewer were estimated at 363 litres/day per dwelling
- The site is proposed to be serviced via conventional gravity reticulation system to an onsite private sewer system. The SPS will discharge to the Council existing system at a controlled discharge rate to ensure the Council capacity is not overloaded. The SPS will have an emergency storage. No further details were provided.

- The stormwater will be collected and detained on site in two detention basins via overland flow with shaped and sealed roads, swales and pipes. It will be re-used on site for irrigation and connected to toilets in the homes and amenity buildings. The northern basin will connect to the southern basin via a controlled gravity feed or small pump station and rising main. The southern basin will discharge to Council's existing system at a controlled discharge rate.
- Both detention basins will accommodate the 1% AEP stormwater events
- Stormwater discharge flows/ volumes are provided

A further request for further information was lodged on 13 March 2025 for separate breakdowns for each stage for both filtered and raw water. On 2 May 2025 amended figures were provided for each stage, still based on 623L/day total water usage

On 23 October 2025 the RFI requested the following in relation to services:

20. *Provide a staging plan illustrating when the detention basins and other infrastructure will be installed.*
21. *Label the location of the fire service tanks which is set out in Sheet 5 of 6 of the plans.*
22. *Provide a survey of the site. From this you must provide:*
 - a) *the proposed earthworks for the site which presumably form part of the application but are not requested*
 - b) *a stormwater plan demonstrating how the stormwater will flow around the site to the proposed detention basins. Page 6 of 6 merely shows a pipeline between the two detention basins. Details of pollution control are required.*
23. *Provide discharge flows and volumes for the sewer for each stage of the proposal.*
24. *Demonstrate that the servicing of the site by sewer, water (filtered and raw) and the management of stormwater can be provided without impacting the surrounding networks to any greater extent than that which has been approved by a concept plan under DA2018/101 for 89 lots on the site. Note that Council's infrastructure is considered adequate to service the density as currently approved under DA2018/101 and not the density as proposed.*

On 8 January 2026 a response to these matters was included, this time comparing water rates for an average residential dwelling at 200 kL/year (548 L/day) for a medium dwelling to the estimated annual use of a MHE dwelling at approximately 140kL/year (383.6L/day) for medium use.

	MH2 estimates litres per day per unit	MH2 estimates l/L per year per unit	Total annual demand for units
89 units standard residential medium use	548	200	17,800kL/year
181 units MHE medium use	353.5	140	25,340kL/year
Difference			7,540kL/year

There was no substantiating documents setting out how those assumptions had been derived, or why the average residential dwelling usage had dropped from 623L/day to 548L/day between the two different RFIs.

The response stated that equivalent water usage of 89 average dwelling houses compared to the MHE would be for 127 MHE and suggested that the proposed development should be limited to 127 MHE until Council can upgrade the existing system to supply 17,800kL/year to the site. Failing that storage tanks could be installed on site and filled outside of peak network demand.

No explanation of how the restriction on the proposal to 127 was provided. A 500kL water storage tank was added to the plans provided on 17 February 2026 near the southern entry, however it was not accompanied by any calculations or details as to whether this satisfied the requirement to provide sufficient water to the proposed 181 dwellings. Nor was there any discussion on whether the proposal intended to restrict the development to 127 units in the interim.

By way of comparison, Sydney Water provides for average uses which indicates as per the table below as compared to the estimates of the applicant. Assuming MH2 has compared the use for a 4 person medium sized house, the information does not set out how the MHE use estimates were derived.

	Litres per day	kL per year	Comment
Sydney Water Average small property(500m ²) with 3 persons	447	163	
MH2 estimate of MHE usage	383.5	140	14% reduction on Sydney Water
Sydney Water Average medium property (<700m ²) with 3 persons	472	172	
Sydney Water Average medium property (<700m ²) with 5 persons	628	229	
MH2 estimate of average dwellings	548	200	Presumably based on 4 persons

<https://www.sydneywater.com.au/content/dam/sydneywater/documents/education/how-does-my-home-compare.pdf>

(b) Stormwater

The plans provided on 17 February 2026 provide for a northern storage detention basin of 3,641m³ with an average depth of 1.5m storage in the north-west corner and a southern detention basin of 397m³ with an average depth of 1.5m storage in the south-west corner. These are to be connected with a controlled discharge to the existing stormwater infrastructure at the entry from the Crown Land.

The additional information requested on 23 October 2025 was not provided – namely:

- (a) *the proposed earthworks for the site which presumably form part of the application but are not requested*
- (b) *a stormwater plan demonstrating how the stormwater will flow around the site to the proposed detention basins. Page 6 of 6 merely shows a pipeline between the two detention basis. Details of pollution control are required.*

Rudimentary stormwater calculations were uploaded to the portal on 9 March 2025, however these contained no modelling and have not been updated to the revised scheme. Those figures refer to an existing drainage swale which is presumably that on the Crown Land.

The Amended SEE uploaded on 29 April 2025 states that a comprehensive stormwater management strategy will be incorporated into the subdivision design. As the proposal does not include subdivision there is no confidence on what is proposed and whether the system can adequately cope with the proposal.

The details setting out how stormwater from the proposal will be managed are insufficient for Council to determine whether the proposal can be satisfactorily managed. The request made on 23 October 2025 for a comparison to the density of housing under approved DA2018/101 was not provided.

(c) Sewer

The discharge flows and volumes for sewer provided on 9 March 2025 have not been updated to reflect the revised scheme. It is unclear how the volume of 360 litres / day was derived.

(d) Fire Services

The applicant has provided details of the location of the fire services layout with hydrant coverage and hose reel coverage in Sheet 4 of 8 of the plans dated December 2025. Further details of the brigade hardstand, tank layout and supply details and the like are set out in sheet 5 of 8 of the December 2025 plans. There is not details as to the required flow for the effective provision of fire services.

(e) Suitable road access

As detailed elsewhere, suitable road access has not been demonstrated. There is no:

- land owner's consent for use of the Crown Land
- no design plans for that road
- no satisfactory consideration of the impacts of the road on the existing road network.

(f) Summary

All services connections are required to be made over the Crown Land, for which no owner's consent has been granted.

There remains insufficient information for the consent authority to be assured as to the adequacy of essential services to the site.

(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 Shire Development Control Plan (WSDCP) 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

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 or being at or below the flood planning level.

5 Vehicular Access and Parking

The proposed development includes 37 visitor car spaces which satisfies the relevant controls of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. The DCP does not contain parking rates for manufactured home estates.

6 Crime prevention through environmental design

The Amended SEE has not considered CPTED principles. The high acoustic fencing and high front wall indicate that little regard has been paid to passive surveillance from outside the property. Within the property, there is a high level of passive surveillance as there is virtually no landscaping amongst the dwelling sites. A lighting plan is provided as required by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

No separate footpath has been indicated between the visitor parking opposite the Fire Hardstand/garbage area towards the dwellings. There is therefore safety issues for pedestrians who must walk on the internal accessways to access all facilities within the estate.

Further consideration and application of CPTED principles should be applied to the proposed development.

7 Disability Access Standards

The proposed development has not provided sufficient information to assess whether the proposal satisfies the relevant objectives and controls of the WSDCP 2011, by providing equitable access within all new developments where required.

Chapter 8 – Site Specific Provisions – Buronga and Gol Gol

5.1 Design of Residential Development

These provisions are not relevant to the MHE. The equivalent provisions are set out in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and consideration of this Regulation is set out below.

(iia) 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,

Section 23 of the Environmental Planning & Assessment Regulation 2021 requires that a development application must have the written consent of the owner of the land. None of the exceptions to that requirement apply. The applicant has uploaded a letter from the NSW Department of Planning, Housing and Infrastructure dated 16 February 2024 advising that a licence for road construction has been granted to Wentworth Shire Council. This is not owner's consent to the making of a development application over land owned by the Crown. Failure to provide land owner's consent means that the application must be refused.

(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 very different to approved developments in the locality. There is insufficient information to properly assess the environmental impacts on the natural and built environment. The environmental impacts have been assessed in detail above as summarised in the table below. There is insufficient information to properly assess 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		Whilst a MHE may be an acceptable form of development within the context of the surrounding development, there is insufficient information to properly assess whether it is appropriate. The 2.7m high acoustic fence will have a detrimental impact on the adjoining lands in relation to visual impact.
Public domain & Streetscape		X		The proposed location of the manufactured home estate does not currently front any public domain. There will only be a frontage to the public domain if a road is constructed over the Crown Land to the south. A fence plan is provided for presentation to the Crown land, however it provides no details of the fence height or materiality. It appears to be in excess of the 1.2m set out in the WDCP 2011 requirements

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Landscaping		X		A rudimentary landscape plan is provided. No buffer landscaping is provided to the majority of the acoustic fencing
Stormwater		X		Insufficient detail is provided to assess this
Heritage			X	None located on site.
Soils & Soils Erosion		X		Insufficient information is provided to assess the earthworks and erosion control.
Air and microclimate		X		Insufficient information is provided on how dust will be controlled during construction
Water Resources		X		Insufficient information is provided to assess the impact on water resources
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		Insufficient information provided to assess whether utilities can be adequately provided to the site
Access & Parking		X		Adequate parking availability on site. Insufficient information provided to demonstrate that access can be achieved to the site. No land owner's consent over the Crown Land is provided
Roads & Traffic		X		Insufficient information provided to demonstrate the impact on the surrounding road network, and not details regarding road improvements are included
Solar Access and Energy Efficiency	X			Basix and NatHERS included with application for the manager's residence. BASIX not required for the manufactured homes
Overshadowing			X	N/A.
Privacy & Overlooking			X	N/A
Flooding			X	Not in flood affected land.
Bushfire Prone Area			X	Not in bushfire prone land
Noise		X		No acoustic report to assess the value of the proposed acoustic fence., or to provide mitigating measures from the noise from the basketball court and tennis courts which are both close to dwellings.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Technological hazards		X		No geotechnical report has been provided. Insufficient information
Safety, Security & Crime Prevention		X		Insufficient information to properly assess whether the development will affect the safety of the area. The high acoustic fence and fence facing the Crown Road to the south do not promote passive surveillance from outside the estate. Insufficient information provided as to what security will be included to restrict access
Social and Economic Impacts		X		No social impact assessment is provided to enable assessment of social and economic impacts anticipated from the proposed development.

(c) the suitability of the site for the development,

Given the lack of sufficient details of numerous matters, it is not possible to conclude that the site is suitable for the development. The concerns include:

- whether the site can be adequately serviced for essential services
- whether suitable access to the site can be provided over the Crown Land to Friel Street, noting there is currently only a revocable licence to Council over this land
- no preliminary site investigation has been provided to determine whether the site is suitable for the change of use to residential accommodation.

(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 28 days where adjoining property owners were notified in writing of the proposal and invited to comment. Nine submissions were received (two from the same submitter), raising the following concerns. The applicant responded to those concerns on 15 April 2025 as set out in the table:

Concern	Response from Applicant	Comment
What constitutes a manufactured home estate? Who is using the houses?	A manufactured home estate is a development for housing; with the dwellings constructed off-site and delivered to the site. The development is normal housing in that the housing can be individually privately owned; and can be subdivided onto separate titles.	Notwithstanding this advice various of the reports reference a Lifestyle community for over 55s which does not apply to a Manufactured Home Estate under NSW law. The response indicates private ownership of housing with subdivision onto separate titles. This is not included in the

Concern	Response from Applicant	Comment
		application and not usually the way MHE operate. No response to the request for further information about the applicant's comments was received. Community title subdivision does not form part of the application
Out of Character		
Out of character with the neighbouring residential area	The development is in keeping with the character of the area, being residential housing developments.	There are no other MHE in the vicinity
This resembles a trailer park fit for itinerate workers, not something to benefit the Buronga, Gol Gol area which are under transformation		Noted that the MHE format is a departure from the existing housing in Buronga and Gol Gol.
Dareton already has facilities and services and this should be developed there. Buronga does not have the essential services and infrastructure for this type of development (eg no manned police station)		The lack of information about essential services and infrastructure is of concern.
Why is it behind the houses in the town?		It is a permissible use I the RU5 zone
Traffic concerns		
256-457 additional cars on the roads daily will create congestion on Friel and Pitman Avenues	Traffic movements will not cause any adverse effects to the surrounding area as detailed in the Traffic Impact assessment Report lodged with the application	Council's concerns about the provided Traffic Impact Assessment have not been addressed by the applicant. The TIA only assesses intersection saturation, not the effects on Friel Street itself.
Significant increase to traffic on Friel Street which is not designed to handle the volume of traffic from 200 units leading to congestion. No clear traffic mitigation strategies are proposed	See above	The amended Traffic impact assessment indicates that no mitigating measures are required based on intersection analysis (page 11)

Concern	Response from Applicant	Comment
Traffic impact assessment is weak on detail including ameliorating works to manage traffic		The report states no mitigating measures are required. The level of detail is not strong.
The proposed road increases road and foot traffic incompatible with the quiet area.	As above	It will be the additional occupation of the dwellings that increases this. No acoustic assessment has been made of such increases.
Future development towards Redhill Estate will add further to traffic congestion and add to risks		Noted
Inadequate parking with only 37 visitor car spaces, leading to onstreet parking, obstructing traffic flow, restricting emergency services and reducing safety and liveability		Minimum visitor car parking rates are set out in the Local Government (MHE) Regulation. 181 dwellings are now proposed and under the Regulations 26 visitor spaces are required. 37 are provided,
Request a thorough traffic impact assessment, parking feasibility		Parking rates must comply with the LG (MHE) regulation. The plans for 2 and 3 bed dwellings indicate a single car space for each dwelling.
No evidence that existing roads, public transport or community facilities can support 200 households.	All services are available to the development.	Services are not currently available to the site. The Traffic Impact Assessment is deficient and has not been updated to the new plans
Access road to Friel Street		
Access to Friel Street is not legal. Has Crown Lands given approval to build the road?	Legal access will be provided to the development as detailed in the application; with documentation submitted with the application detailing the legal access via Friel Street	A Licence document has been provided but that is a Crown licence to Council revocable without notice. There is no legal access to Friel Street. No Crown approval to the lodgement of the DA has been provided. No consent to the Deed of Arrangement between the applicant and Council has been provided.
Entry road is over a Crown land drainage	Stormwater drainage has been designed for the development,	No evidence that surrounding approved developments have

Concern	Response from Applicant	Comment
easement. If the drainage easement is gone how will houses be protected in heavy rain or floods?	which will ensure the surrounding area is not affected.	been included in the modelling. A concept drainage plan is provided ultimately draining to the Crown land over which the road is proposed.
The Red Hill Estate stage 7 drains into the drainage easement which the road will be over and will have a detrimental effect on its water discharge		No evidence that this has been taken into consideration.
Noise impacts		
Noise impacts from up to 545 daily vehicle trips past the house	Noise generation from the development will be as per normal residential housing and unit developments. The amended SEE includes the following statements: - the estate design will include buffering and landscaping to ensure visual and acoustic separation from nearby industrial activities, creating a comfortable and desirable living environment - designed to avoid any acoustic issues - The on-site car parking and service areas have been carefully designed to blend discreetly into the estate's landscape, ensuring minimal visual impact. Landscaping elements, including hedging and native plantings, will screen parking areas, enhancing privacy and reducing noise - The proposal incorporates measures to reduce noise, pollution, and light spillage. Noise attenuation landscaping and fencing will be strategically placed to buffer sound from vehicular movements.	No acoustic assessment or detailed comment with the SEE is provided. Despite the statements made: - no buffering other than on the western side adjacent to the future residential development is provided. - no consideration of noise from the originally proposed tennis court and the continued proposal for the basketball court to the adjacent residents. - no consideration of noise from the industrial units which are only separated by an 11 metre Crown Reserve. - Acoustic fencing is included in the application to a height of 2.7m, however there is not assessment of its adequacy or the materials proposed. - The landscape plan in plan 3 of 8 shows hedging plants to the north

Concern	Response from Applicant	Comment
Lack of buffer / impacts		
It is close to an industrial zone with concerns about noise pollution, air quality and suitability for residential living. No study on how proximity to the industrial operations will impact health and well-being of residents. Inadequate buffer is provided. The suggestion of a 30m buffer is false and misleading.	There will be a 30-metre buffer area provided between the development and the industrial development to the north of the site.	The 30m buffer to the north originally only extended to be over the Crown Reserve area which is approximately 11m wide. It has now been amended to provide a full 30 metres to the north (including the Crown land). No buffer to land to the east and south is provided.
Potential complaints from residents not accustomed to farming noise, smells and pesticides could lead to restrictions on farming (and industrial) activities.		There is no buffer to the east and south agricultural areas.
Stormwater drainage		
No engineering computations or design for stormwater capture, retardation, treatment and discharge		Some computations have now been provided for water supply, however given that the flows are based on an over 55s development there is doubt as to their accuracy
Other services		
Lack of assessment of how bins would be managed at the site entrance, including number, storage, noise and odour adjacent to residences	The bin collection areas will be maintained in a tidy manner at all times and maintained so that no odour emits from the storage area; and notably will at all times comply with EPA requirements.	Bin collection area is now indicated near the front of the site close to the proposed entry. No indication of assessment of size appropriateness, nor how it will be screened. No waste management plan provided. No operational management plan provided
Water pressure is already inadequate, will that be fixed? Strain on local infrastructure, including water and sewage systems	The SEE states that water, electricity, sewage disposal and management stormwater drainage will all be provided	Very few details are provided. The connections are proposed in the south-east corner adjacent to the Crown Reserve. Details on services provision is very light

Concern	Response from Applicant	Comment
Who uses the pool – is it just the residents?	There are recreational areas proposed in the development for social and community benefits of the future residents of the development.	As there is no operational plan of management it is not clear, however it seems unlikely that the general public would be able to use the pool.
Socio economic impacts		
Impact on property values		This is not a planning consideration
Negative social and economic impacts not properly researched and addressed, including safety, welfare, property value or environmental impacts.	The development will be positive for the area in that major investment into the economy of the region, additional employment and increase population leading to additional commercial spending in the region.	No social impact statement provided to support the assertions made
No plans for green spaces, recreational areas of community facilities to contribute to a better quality of life		Some green spaces are provided adjacent to the detention basins. Some recreational areas within the houses for a basketball court and a swimming pool for use by the residents.
Safety		
Does not address safety and crime prevention with lower socio-economic residents. What management procedures will be in place for complaints, disputes anti-social behaviour.	Safety and security measures will be implemented consistent with all residential estates and/or multi-unit developments throughout the district.	None are detailed. This would normally be contained in an Operational Plan of Management but none has been provided despite a request by Council.
Friel Street is adjacent to One Health Services and a primary school. The Catholic Church is also nearby. Safety risks to pedestrians, cyclists and existing residents		The Traffic report has not taken these matters into consideration. Most pedestrian school traffic is to Chapman Street where there is a speed hump and pedestrian crossing.
Complicated road access presents a safety issue for emergency vehicles		No design for the crossing to Friel Street has been provided.
Non-compliance with Local Government Regulations		
Under the planning scheme for Lifestyle		This is not an application for a Lifestyle Village for over 55s.

Concern	Response from Applicant	Comment
Villages the entrance should be appealing, but the awkward doglegged approach from Friel Street over the Crown land prevents this.		However it is agreed that the dog legged entry is not ideal.
Inaccurate plans and limited detail, with inadequate site analysis and inadequate SEE. Does not respond to the Local Government Regulations for Manufactured Home Estates, and is non-compliant with some provisions		Some references to the LG Regulation are made however only in the response to these submissions and Council's request for further information. It is not directly addressed despite it being the principal requirements for this type of development. There are a number of non-compliances, however some regard has now been made to the LG Regulations.
It appears as a caravan park not as regulated under the Local Government Regulations		See above, although caravan parks are regulated under the same regulation (different provisions).
Lack of further details		
Has the land been cleared?		It appears to be partially cleared, however the development would require the removal of the remaining horticultural plantings on the site
Significant excavation and filling likely given building of roads, car parks, bins collection area and two water detention basins to generate significant noise and dust		No full survey of the site and no excavation or earthworks information provided. No air quality assessment provided.
Topography of the site is gently undulating but no contours provided. What earthworks are proposed to create the flat pads and two detention basins?		Agree. No information provided
No dwelling designs for permanent living		Designs for two and three bedroom dwellings have now been provided

Concern	Response from Applicant	Comment
No dedicated landscape master plan		Page 3 of 8 of the plans provides for some landscaping with buffer hedging on the northern boundary and very minimal planting within the areas of the dwelling sites

(e) the public interest.

The proposed development is of a scale and character that has the potential to promote the objectives of the zone by providing residential growth in Buronga and Gol Gol. However there is insufficient information to determine whether the site can be well-serviced. The paucity of information means that it cannot be concluded that the application is in the public interest.

OTHER LEGISLATION

Local Government Act 1993

Part 1 of Chapter 7 of the Local Government Act 1993 (LG Act) requires the approval of Council to carry out the activity of installing a manufactured home (Table Part A (1) for the installation of a manufactured home or associated structure on land and consent to operate a manufactured home estate (Part F (3)).

The design, construction and occupation of the future homes within the estate does not form part of this development, but all sites will be subject to compliance with the relevant provisions under part 2 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. The applicant has not elected to apply section 4.12(3) of the EP & A Act which enables the applicant to make a simultaneous application with the development application, for the required approvals under section 68 of the Local Government Act. Should development consent be granted for this development, the Applicant will be required to lodge a separate application with Council Section 68 of the Local Government Act.

Local Government Regulation 2021

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (LG MHE Regulation) includes as its objects, the opportunities for affordable alternatives in short-term and long-term accommodation by setting standards for design of MHE and manufactured homes, construction, siting and health, safety and amenity. Part 2 relates to MHE and manufactured homes and applies to the operation of MHE and the installation of manufactured homes within MHE. Section 6 states Council must not grant approval unless the MHE will be design, constructed, maintained and operated in accordance with Division 3, and section 8 makes that a condition of the approval. Section 7 requires the approval to reference a plan, the number, size and location of the dwelling sites allowed by the approval. The Division 3 requirements are in the below table.

For the purposes of greater understanding the following definitions are provided in the Regulation:

- **major access road** means an access road serving more than 30 dwelling sites within a manufactured home estate.

- **minor access road** means an access road serving no more than 30 dwelling sites within a manufactured home estate.

The only minor access roads within the proposal are the roads:

- servicing dwellings 165 to 181 in a north/south direction immediately to the east of those lots
- servicing dwellings 1 to 23.

Control in Part 2 of LG Regulation	Proposed	Comply?
Subdivision 1 Land and dwelling site requirements		
12 Minimum size 1 hectare	9.819Ha	Yes
13 Community amenities (1) minimum 10% of total area reserved for recreation or other communal activities	Community amenities are defined to include space for administering and servicing the MHE and for recreational and other communal purposes: Community amenities include: • function centre • indoor pool • tennis court • half basketball court • jumping pillow • seating adjacent to the two detention basins • outdoor gym adjacent to the northern detention basin • walking track around the southern detention basin • landscaped areas in the north near the detention basin and within the approximate 19m wide buffer zone adjacent to the northern boundary • landscaped areas around the manager's residence and tennis court and indoor pool Plan uploaded on 17 February 2026 show communal areas to be a total of 18,924m². Site is 989,190m², therefore communal area is 19.3%	Yes
(2) Council may allow <10% but at least 6% for recreation and communal activities		Not demonstrated or discussed

Control in Part 2 of LG Regulation	Proposed	Comply?
taking into consideration: (3) The type and range of amenities to be provided and other matters it considers relevant		
14 Size of dwelling sites At least 130m ²	200m ²	Yes
15 Site identification		Can be conditioned
Subdivision 2 SETBACKS		
16 a dwelling site must have vehicular access to an access road	Yes	Yes
17 Community buildings (1) A community building must not be located closer than 10m to the boundary of a MHE or dwelling site	Yes – the tennis court is 10m to dwellings 176-178 and the basketball court is 15.85m to dwelling 88	Yes
(2) Council can allow a lesser distance of at least 2m if the community building will be properly screened, fenced, enclosed or otherwise treated	Dispensation not required	NA
18 Setbacks of dwelling sites from road frontages (1) A dwelling site must not be located closer than 10m to a public road or 3m to another boundary of the MHE (2) Council can allow a lesser distance if the dwelling site will be properly screened, fenced, enclosed or otherwise treated	All dwellings have at least a 3m setback to a boundary and tom setback to a public road (if a road is constructed along the Crown Land)	Yes
19 Buffer zones Nothing prevents the setbacks being used for community amenities, access roads, car	Noted. They are used for landscaping	Noted

Control in Part 2 of LG Regulation	Proposed	Comply?
parking spaces, footpaths or landscaping etc		
Subdivision 3 ROADS		
20 Entrance and exit roads		
(1) Road must be at least 8m wide	10m	Yes
(2) For a divided road the sealed portion must be at least 5m wide	No divided road shown	NA
21 Width of roads		
(1) Width of road reserve at least 8.5m for a major access road and 6m for a minor access road	The concept road profile in sheet 2 of 8 indicates a 6m side road with 2m road reserve either side – giving a 10m road reserve for all roads other than the main entry access road which has a 10m wide road way	Yes
(2) Sealed portion of road is 6m for major access road and 4m minor access road	6m shown as formed. Ashphalt seal or 2 coat bituminous seal shown in Sheet 2 of 8	Yes
(3) Passing bay every 80m for a minor access road	No passing bays provided on minor access road which exceed 80m	No
(4) Passing bays at least every 100m	No passing bays on roads which exceed 100m	No
(5) Width of sealed portion at a passing bay at least 8.5m for major and 6m for minor	No passing bays indicated	No
22 Speed restrictions 30mk/h major 15km/h minor		Could be conditioned
23 Visitor parking (1) more than 105 sites – 20 spaces + 1 for every 7 sites above 140 sites	For 181lots, $20 + 6 = 26$ required	Yes: 37 Provided
(2) min dimensions of (3) (a) angle parking 5.4m x 2.5m (4) Otherwise: 6.1m x 2.5m (5) Must be clearly identified	Not dimensioned	Unclear, can condition
24 Visitor parking for disabilities	3 required	Yes 3 provided. TIA states that they meet AS2890.1:2004

Control in Part 2 of LG Regulation	Proposed	Comply?
1/ 100 sites of part thereof. As per AS2890.1:2004 and identified. Can be counted as a visitor space		
25 Road surfaces and passing bays to be all weather	Ashphalt or bitumen	Yes
26 Lighting Access roads to be lit between sunset and sunrise	Lighting shown in lighting plan	Yes
Subdivision 4 Utility Services		
27 Water supply (1) MHE Must be connected to a mains supply or provided with an alternative	Not demonstrated	Insufficient information
(2) Dwelling sites to be connected to the water supply service with separate metering	Not demonstrated	Insufficient information
28 Sewerage (1) MHE Must be connect to a main sewer or an alternative	Not demonstrated	Insufficient information
(2) Dwelling sites must be connected to the sewage disposal system	Not demonstrated	Insufficient information
29 Drainage (1) MHE must be provided with a stormwater drainage system and dwelling sites connect to that	Not demonstrated	Insufficient information
30 Electricity supply Dwelling sites to be supply with electricity from a reticulated electricity services by a circuit and separate meter	Not demonstrated	Insufficient information
31 Telephone lines Must be connected if available	Not demonstrated	Insufficient information
32 Common trenches Must be used for services as per AMCORD	Not demonstrated	Insufficient information
Subdivision 5 General		
33 Garbage removal	Swept paths show garbage collections around the roads of dwelling sites 1-8.	Not updated to reflect the new

Control in Part 2 of LG Regulation	Proposed	Comply?
Arrangements must be implemented and maintained for removal and keeping receptacles clean	Waste collection identified in the TIA near the entry/ visitor car spaces. No measurement that this will be sufficient for the entire site.	layout. Insufficient information
34 Fire hydrants No dwelling site or community building within the MHE to be more than 90m from a fire hydrant which must be a double headed pillar type and maintained	Information is provided	Yes
35 Buildings (1) No building to be erected unless the approval allows for it	Noted. Plans for the manager's residence, two and three bed houses and function room were provided on 17 February 2026	Can be conditioned. See s9 of the LEG Regulation which allows the installation of a manufactured home without an approval
(2) Only buildings on the MHE are: Community buildings, or Brick and masonry walls to separate homes and to have external facades to a home	NO brick walls other than to the function centre	NA
(3) Only brick and masonry walls for an external facade of a manufactured home if the dwelling is in a neighbourhood lot and the owner of the home is the owner of the neighbourhood lot (See Community Land Development Act 1989)	Homes are not brick	Yes
36 Use of MHE (1) MHE must not be used for a commercial purpose other than a MHE or associated purpose or for the manufacture, construction or	Noted	Can be conditioned

Control in Part 2 of LG Regulation	Proposed	Comply?
reconstruction of moveable dwellings		
(2) A manufactured home may be used for exhibition purposes	Noted	Noted
37 Community map A community map for the MHE is required		Can be conditioned
38 Access to approval and community map Occupants have a right to inspect free, the approval of the MHE, the community map and this regulation		Can condition

Conveyancing Act 1919

Section 23H and 23I of the Conveyancing Act 1919 allows for subdivision for lease purposes of mobile home estate purposes. The plan can only be registered by the NSW Land Registry Services if development consent to the subdivision has been granted under the EP & A Act. Leases (including any option to renew) must not exceed 20 years

The NSW Land Registry Services circular **Caravan parks and mobile home estates (SSIR 2024)** sets out the requirements, including that boundaries of the lots must be satisfactorily defined.

No application for subdivision for lease purposes is included in this application and development consent for it would be required in future.

COUNCIL POLICIES

Wentworth Shire Council Local Strategic Planning Statement (LSPS)

The proposed development was checked against the relevant planning priority (PP6: Sustainable settlements).

The land is located within a primary settlement area with two of the following strategies being relevant:

- "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"; and
- "Manage land use conflict through the use of setbacks and buffer zones in subdivision layouts, mitigate potential impacts in building location and design and generally avoid affecting the economic viability of land needed to support key factors of the local economy"

The December 2025 plans include 181 dwellings (excluding the manager's residence) of which:

- 158 dwelling sites of 200m² (two of these are indicated at 210m²) – 87.3%
- 23 dwelling sites of 450m² (12.7%)

There is very little variation in lot sizes. Designs for two bedroom and three bedroom houses have been provided, although it is not indicated how many of each are proposed. The very small lot sizes and the MHE format will provide for different housing options to those currently provided in Buronga and those which are in the planning process.

As identified in the Buronga Gol Gol Structure Plan, the demography and future vision for the area supports the need for diversified housing and land options.

Buronga Gol Gol Structure Plan 2020

Chapter 2 identifies future pressure on residential lands in Buronga. Section 2.6.3-2.6.5 illustrate that the site is not provided with water connections, reticulated sewerage infrastructure, nor drainage/stormwater infrastructure. It notes the need to upgrade these services – all estimated to be done between 2032-2036. As regards community services facilities it notes that there is no secondary school in Buronga, although there are various other emergency services. A public bus route runs along Pitman Avenue to the south of the site and along the Silver City Highway – neither of which are directly accessible from the site.

Under chapter 3 of the BGGSP, one of the land use principles for residential areas is to “Promote a mixture of urban development that allows for flexibility to respond to changes in the community over time and cater for a diversity of land sizes and housing types” The provision of the first MHE in this area would assist in achieving that land use principle.

The environment principles in relation to buffers seek to “establish and manage suitable buffer zones at interfaces between agricultural and industrial areas and residential areas” and “Buffer zones should be designed in accordance with guidelines and standards prepared and/or endorsed by the relevant state government agency to enhance visual corridors and create filtered views into adjoining land uses.” A buffer has not been provided in the plans to the north, however none has been proposed to the east and south which is currently agricultural land (although zoned as RU5).

There are various subdivision and Housing Design design principles and also water sensitive urban design principles within Chapter 3. The proposal includes drainage infrastructure detention basins. The proposal is silent as to the use of rainwater and treatment (including landscape treatment) to improve water quality. Likewise on-site detention and reuse of grey water has not been considered in the proposal. Some open space is provided in conjunction with the water management concepts however the use of this open space within the detention areas to provide for local amenity has not been considered.

The future residential development pattern in part 4.2.1 encourages higher lot density within the RU5 Village zone, seeking, in general, lot sizes of 600 to 1000m². That is clearly not a lot size which is adopted by the proposed MHE, which proposes lots of 200m², two lots of 210m² and 23 lots of 450m².

The staging plan in Figure 4.4 envisages the site as being within the fourth stage to be developed in about 2032-2036 – therefore this stage is well advanced from that anticipated in 2020, notwithstanding the existing residential subdivision approval for this site. This includes for services such as water supply, sewerage and drainage. Footpaths are considered along the Crown Land abutting Friel Street to the north however of low priority (see Figure 4.10).

The plan does not envisage the use of MHE to increase residential provision.

The demography for the area is showing an increase in aged population, and demands for more affordable housing including for first home buyers. This is due to the increasing housing price and a lesser need for big backyards and gardens due to maintenance restrictions. This requirement for diverse residential land has identified in a number of housing strategies including the NSW housing Strategy: Housing 2041 produced by DPE.

Positive things which the proposed development has in relation to the BGGSP are:

1. Provides diverse and flexible housing options compared to those existing
2. Some open space proposed within the development and some community facilities

Negative things which the proposed development has in relation to the BGGSP are:

1. Very little internal variation of lot and house sizes within the MHE
2. No existing services for the site and few local services. A public bus route is approximately 500 to 650m to the south west on the Silver City Highway, but approximately 1.3km walking distance.
3. The buffers to adjoining industrial and agricultural use are only adequate on the northern boundary.
4. The envisaged lot sizes in the BGGSP are markedly different to those proposed in the development.

Council Policy No: AF011 Subdivisions Water Right Transfer Policy

As per the Council policy, a developer contribution of 250 Kilolitres (0.25ML) of high security water will be required for each newly created Lot. This has not been demonstrated.

Council Policy No: PR018 Provision of electricity supply and telecommunication service for subdivisions

As per Council policy, urban residential subdivision in RU5 zoned lands are to be connected to electricity and fibre-ready telecommunication services. A Notice of Arrangement from Essential Energy for electricity supply is required. A certificate of practical completion from a carrier for telecommunications is required. It is noted that the application does not include subdivision.

Buffer zones to reduce land use conflict with agriculture: An interim guideline

The Department of Primary Industries has produced an interim guideline in November 2018 entitled *Buffer zones to reduce land use conflict with agriculture*. Based on the guideline a buffer distance of 250m is recommended between sensitive land uses and outdoor horticulture. This buffer distance is not feasible in the area as the RU5 zoned land is adjacent to the RU4 zoned land. There is a 30m buffer to the industrial land to the north, however none to the agricultural land.

The agricultural land on the west, south and east is all subject to either development consents for residential uses, or is being actively pursued for residential uses. These sites are within the Urban Release area under the WLEP 2011 and are zoned RU5 Village. They will likely be redeveloped in future for residential uses. It is therefore considered that the provision of buffers to those lands is not necessary in the circumstances.

However it is considered that as part of the operational management plan all new owners and occupiers of dwelling sites must be made aware of the surrounding rural land uses and potential impacts.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	Y	As part of subdivision an easement is created for any existing electrical infrastructure. Existing encumbrances in favour of Essential Energy are to be noted on the title. All Torrens lots to have access and frontage to a public road – a right of carriageway cannot be used. A notice of Arrangement is required prior to releasing any subdivision certificate
Transport for NSW	Y	See below
Rural Fire Service	Y	Not mapped as bush fire prone land so referral under s 100B Of the Rural Fires Act is not triggered. Planning for Bush Fire Protection 2019 may be used as a guide only
Heritage NSW	N	
NSW Dept of Primary Industries	N	
Water Group NSW	N	
Western Murray Irrigation	Y	No comment

Transport for NSW

Following TfNSW's request for further information, their review of the provided additional information provided the following comments on 12 June 2025:

TfNSW has reviewed the additional information provided and has completed its assessment of the potential development impacts to the classified (State) road network, namely the Silver City Highway (HW22) and Sturt Highway (HW14). The amended Traffic Impact Assessment (TIA) indicates that a signification proportion of trips from the subject site will utilise the existing HW22 / Pitman Avenue intersection. The subject site is in proximity to other development sites and sensitive land uses that will likely contribute to the cumulative traffic impacts on the existing road network.

Accordingly, TfNSW provides the following comments for Council's consideration:

(NB: These items are NOT written as conditions of consent).

1. Cumulative traffic impacts following the completion of the proposed development will facilitate the requirement for an upgrade to the existing Silver City Highway (HW22) / Pitman Avenue intersection to include a channelised right-turn lane (CHR) on the northbound approach of the classified (State) road.
2. Strategic designs should be prepared illustrating these works, in accordance with Austroads Guide to Road Design and relevant TfNSW standards and supplements. Swept path

diagrams should also be provided illustrating the design vehicle (19m semi-trailer) executing safe and efficient turning movements in accordance with relevant guidelines.

3. Any future road works required on the Silver City Highway, will require the developer to enter a Works Authorisation Deed (WAD) with TfNSW. TfNSW would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72, 73 or 87 of the Roads Act, as applicable, for all works under the WAD.

NB: It is requested that Council advise the developer that Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.

The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.

4. All road works associated with the development shall be undertaken at full cost to the developer and at no cost to TfNSW.
5. Prior to the commencement of any construction work impacting traffic on the Silver City Highway, the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.
6. No direct access to the development site is permitted from the Silver City Highway (HW22) and should utilise the local road only.
7. Council should consider implementing a Construction Traffic Management Plan (including Driver Code of Conduct) to manage construction traffic impacts on the road network. Adequate safety measures should be in place during the construction phase of the subject development, particularly around sensitive land uses such as local schools. Heavy vehicle movements should be limited during school peak periods.

Additional comments

TfNSW has identified the following areas that should be considered to achieve better outcomes for the transport network:

1. To mitigate impacts and interactions with surrounding land uses, no access should be provided from Corbett Avenue.
2. Council should consider pedestrian accessibility, public transport and other alternative modes of transport to and from the manufactured housing estate via Friel Street and surrounding local roads.

On 4 August 2025, the Applicant responded to TfNSW's comments of 12 June 2025 as follows:

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TfNSW in their correspondence has advised Council that they are generally supportive of the proposed development, subject to Council's consideration of TfNSW advice and comments contained in Attachment 1 of their letter.

The comments provided by TfNSW listed as items 1 – 7 in the attachment are accepted by the owners/developers of the Manufactured Home Estate; and as the proposal is to be a staged development, the design and contribution to the construction of works at the intersection of Pitman Avenue and Silver City Highway be undertaken prior to the last stage of the overall development.

The owners/developers agree to Wentworth Shire Council placing the appropriate conditions upon the Development Approval reflecting the requirements of TfNSW. Furthermore, in respect to the additional comments provided by TfNSW, we also advise the following:

- The owners/developers consent to no access being provided to the Manufactured Home Estate from Corbett Avenue; and*
- The owners/developers consent to a condition being placed upon the Development Approval requiring pedestrian accessibility, public transport and other alternative modes of transport to and from the manufactured home estate via Friel Street and surrounding local roads in the detailed design.*

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	BCA Classification: 1a (manager res.) 9b (Function centre) 10a (amenities) 10b (swimming pool). • S68 (Local Government Act) application required to operate a Manufactured Home Estate and carry out associated plumbing and drainage works. • Manufactured home estate must be designed, constructed, maintained and operated in accordance with Part 2, Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. • Passing bays required in minor access roads exceeding 80m in length.
Subdivision Engineer	Y	WSC has the following services in Friel St near the entrance to the 2UP Buronga Lifestyle Development: - 150 mm Filtered Water - 100 mm Raw Water - 150 mm Sewer - 375 mm Stormwater It is acknowledged that some of these services are limited in additional capacity. WSC Engineering have noted that the new development has potentially 4 times the housing density than a more traditional

Department	Referred Y/N	Comments
		“house and land” block arrangement would have, putting increased demand on the limited services. Waste collection within the estate identified in section 5.4 & appendix 2 (swept path diagram), this is based on a small single rear axel truck (appears tight on the swept path diagram). Will the estate contract their own waste removal? Note: - Council contract waste collection contractor uses tandem rear axel trucks and twin steer tandem rear axel trucks (bigger turning radius than shown in estate design). - In July 2026 council will introduce FOGO & recycling bins (extra bin storage & larger truck pickup required). It is requested that the developer provides the following before a DA can be considered: - Preferred locations of connection to filtered water, raw water, sewer and stormwater. - Required flow rates and pressures for filtered and raw water supplies (including calculations / assumptions) - Discharge flows and volumes for sewer (including calculations / assumptions) - Stormwater functionality (including any detention / retention calculations / assumptions) - Stormwater discharge flows / volumes (including calculations / assumptions) - Pathway connection from the estate to Friel Street entrance & connection along Friel Street to match existing pathway
Roads & Engineering		
Finance & Policy		
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

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. It has also been assessed against the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 because those provisions would apply to any approval required under section 68 of the Local Government Act. Importantly it has also been assessed under section 125 of the SEPP (Housing) 2021.

Following detailed assessment, it is considered that DA 2025/021 should be **refused**.

Reasons for refusal

The application should be refused for the following reasons:

1. Owner's consent over part Lot 453 DP1217477 has not been provided by the Crown as required by Section 23 of the Environmental Planning & Assessment Regulation 2021.
2. The application has not provided a preliminary site investigation in accordance with section 4.6 (2) of Chapter 4 of SEPP (Resilience and Hazards) 2021, in circumstances where there is a change of use from agricultural/horticultural activities to residential accommodation – a change set out in Table 1 of the Contaminated Land Guidelines. Chapter 4 of the SEPP is a mandatory consideration which, if not complied with, provides a jurisdictional bar to development consent. As no preliminary site investigation has been provided, the application must be refused.
3. The application has not provided sufficient information for the consent authority to be satisfied of the matters required to be satisfied under Chapter 3 Part 8 Manufactured Home Estates section 125 of SEPP (Housing) 2021, including as to adequate provision of reticulated water, a reticulated sewerage system, drainage and electricity, and adequate transport services. The application fails to satisfy the provisions of the relevant regulation as required to be considered by the consent authority under section 125(2)(c) of the SEPP.
4. Clause 2.3 of the WLEP 2011 requires regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The application has not demonstrated that it is consistent with the objectives of the RU5 Village, most particularly to encourage well-serviced sustainable development.
5. The application has failed to provide sufficient information to enable the consent authority to form the satisfaction that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required, as required by section 6.2 of WLEP 2011 in relation to the urban release areas.
6. The application has failed to provide sufficient information to enable the consent authority to properly consider the matters pertaining to earthworks required by clause 7.1 of WLEP 2011.
7. The application has failed to provide sufficient information to enable the consent authority to form the satisfaction that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required, as required by section 7.2 of WLEP 2011.

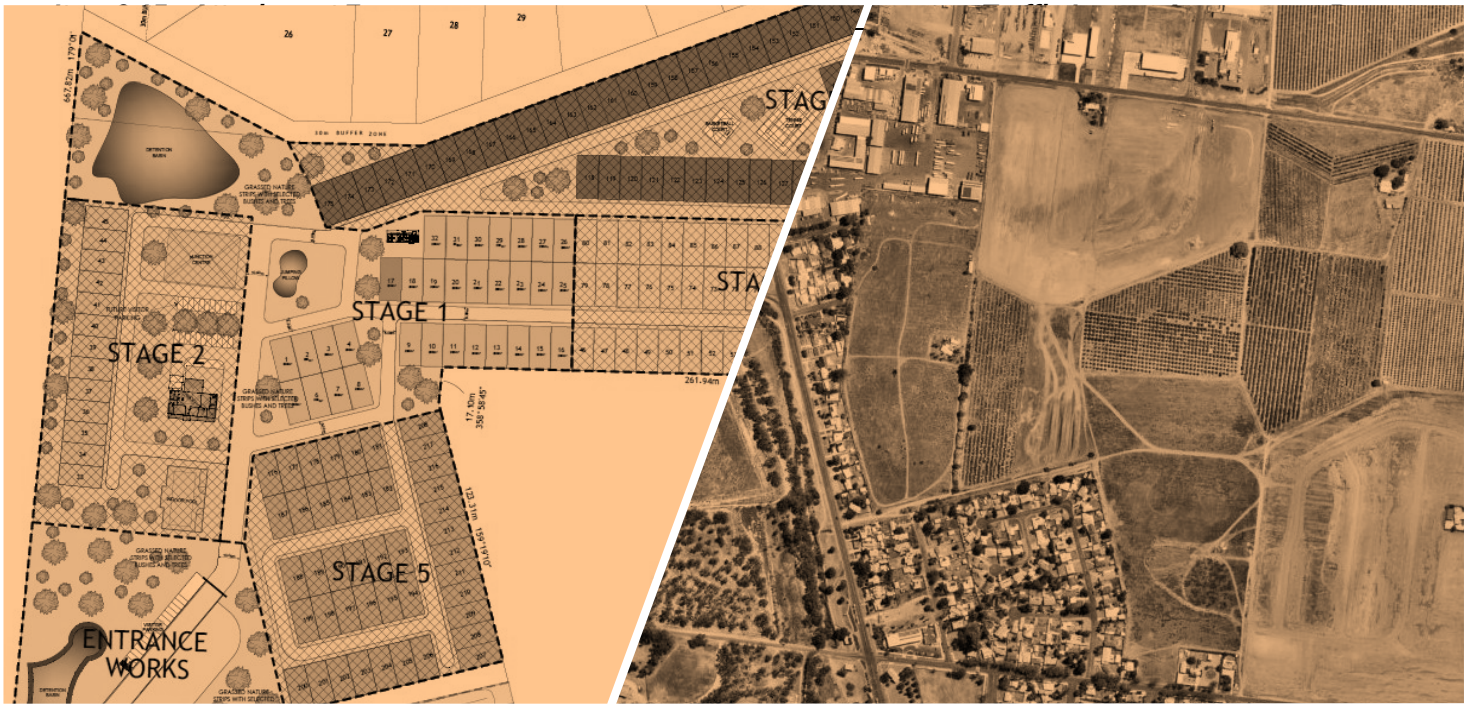
8. The application is inconsistent with the Buronga and Gol Gol Structure Plan 2020, including as regards lots size, internal diversity of housing provision, and the availability of services.
9. The design is inconsistent with the provisions of Part 2 Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 in relation to the following matters, which will be required to be met when an application under s 68 of the Local Government Act 1993 is made. Therefore the development remains uncertain as to its final form:
 - The provision of passing bays under s 21(4)
10. There is inadequate information to properly assess the application, including:
 - a. No survey provided for the full site
 - b. No social impact assessment report to enable assessment of the social impacts of the proposal upon the local community
 - c. No consideration of CPTED principles has been provided and aspects of the design are counter to the CPTED principles set out in WDCP 2011 Chapter 3 section 6.
 - d. No disability assessment as to whether acceptable provision of disabled access is provided to the communal areas.
 - e. Inadequate assessment of traffic impacts upon Friel Street and safety concerns relating to the increase in traffic to nearby social infrastructure such as the medical centre, the Primary School and the Catholic Church
 - f. The adequacy of the Traffic Impact Assessment report, which has not been updated to reflect the revised site layout (including as to the adequacy of the road design for waste vehicles), nor to address the assumptions made in that report that the site is a lifestyle village for over 55s, which is an inaccurate description of the proposed development.
 - g. No acoustic assessment considering the adequacy of the proposed acoustic fencing and other noise generating activities such as the basketball court and additional road and foot traffic to the residents of Friel Street.
 - h. No operational plan of management
 - i. No waste management plan for construction or operational waste.
 - j. No information as to how the waste area will be screened
 - k. No indication of what retaining walls are proposed
 - l. No indication of what entry/gate provisions are proposed, impacting on safety and security for the site
 - m. No plans for the indoor pool building are provided
 - n. Inadequate details of the front fencing materiality and height which impacts upon the future public domain.
 - o. Insufficient details to determine whether the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 can be satisfied in relation to:
 - i. The provision of utility services under s27-32
 - ii. The removal of garbage (s33)
 - p. Insufficient details as indicated above in relation to:
 - i. The potential for contamination, considered by a preliminary site investigation

- ii. The proposed road works on the Crown Land and any upgrade works proposed to the surrounding road network as recommended by Transport for NSW
- iii. The connections and disposal of stormwater, sewage, water and electricity
- iv. The proposed earthworks

11. The application is not considered to be in the public interest.

12. The proposal does not satisfy the points for consideration listed under Section 4.15 part a, b, c, d and e of the *Environmental Planning and Assessment Act*.

Delegate report author	
Signature: 	
Rosalind Read Planning Officer	
Date: 13 April 2026	



LIFESTYLE VILLAGE

NO. 48 & 105 CORBETT AVENUE, BURONGA

TRAFFIC IMPACT ASSESSMENT REPORT



LIFESTYLE VILLAGE – NO. 48 & 105 CORBETT AVENUE, BURONGA

Client: MH2

Report Reference: 24768TREP01F01

File Path: \\sts.local\data\Projects\2024\24768 - 48 & 105 Corbett Avenue, Buronga\08 Reports\24768TREP01F01.docx

Friday, December 13, 2024

Document Control

Version:	Prepared By:	Position:	Date:	Reviewed By:	Position:	Date:	Authorised By:	Position:	Date:
F01	Lewis Collins	Traffic Engineer	13/12/2024	Tony Togany	Senior Associate	13/12/2024	Tony Togany	Senior Associate	13/12/2024

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1 INTRODUCTION

SALT has been engaged by MH2 to undertake a traffic engineering assessment of the proposed lifestyle village located at 48 & 105 Corbett Avenue, Buronga.

In the course of preparing this report, the following tasks have been undertaken:

- The development plans and background information has been reviewed;
- A desktop inspection of the subject site has been undertaken;
- Swept path analysis has been conducted; and
- The traffic and parking implications of the proposal have been assessed.

The following sets out SALT's findings with respect to the traffic engineering aspects of the proposal.

2 EXISTING CONDITIONS

2.1 LOCATION AND LAND USE

The subject site is located on the southern side of Corbett Avenue in Buronga, as shown in the aerial photograph in Figure 1.

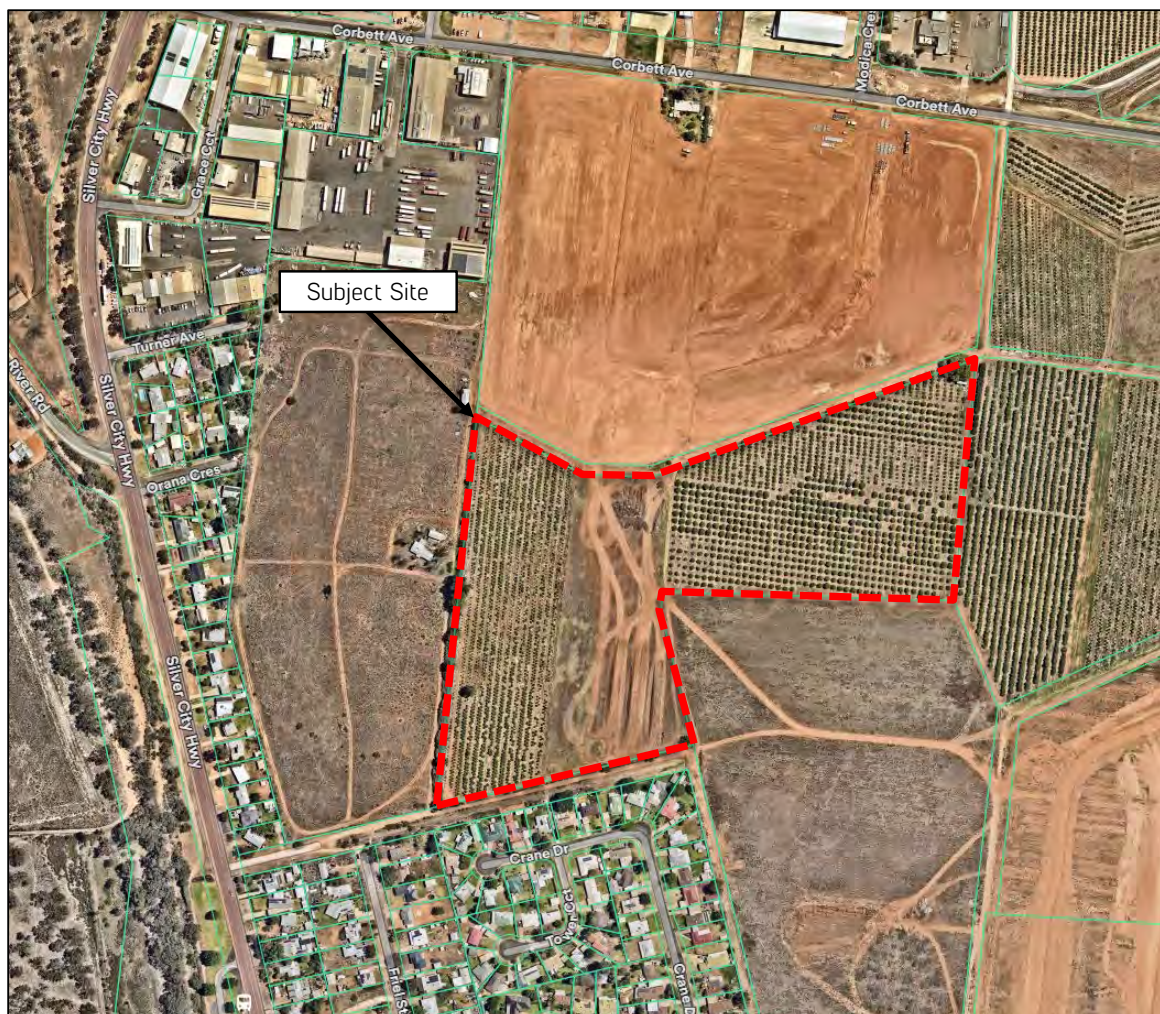


Figure 1 Aerial view of site (source: Nearmap)

Land use surrounding the site is a mixture of residential, industrial and farming land.

2.2 ZONING AND POLICY

The site is within the Shire of Wentworth and is located in a RU5, Village Zone, as illustrated in Figure 2.

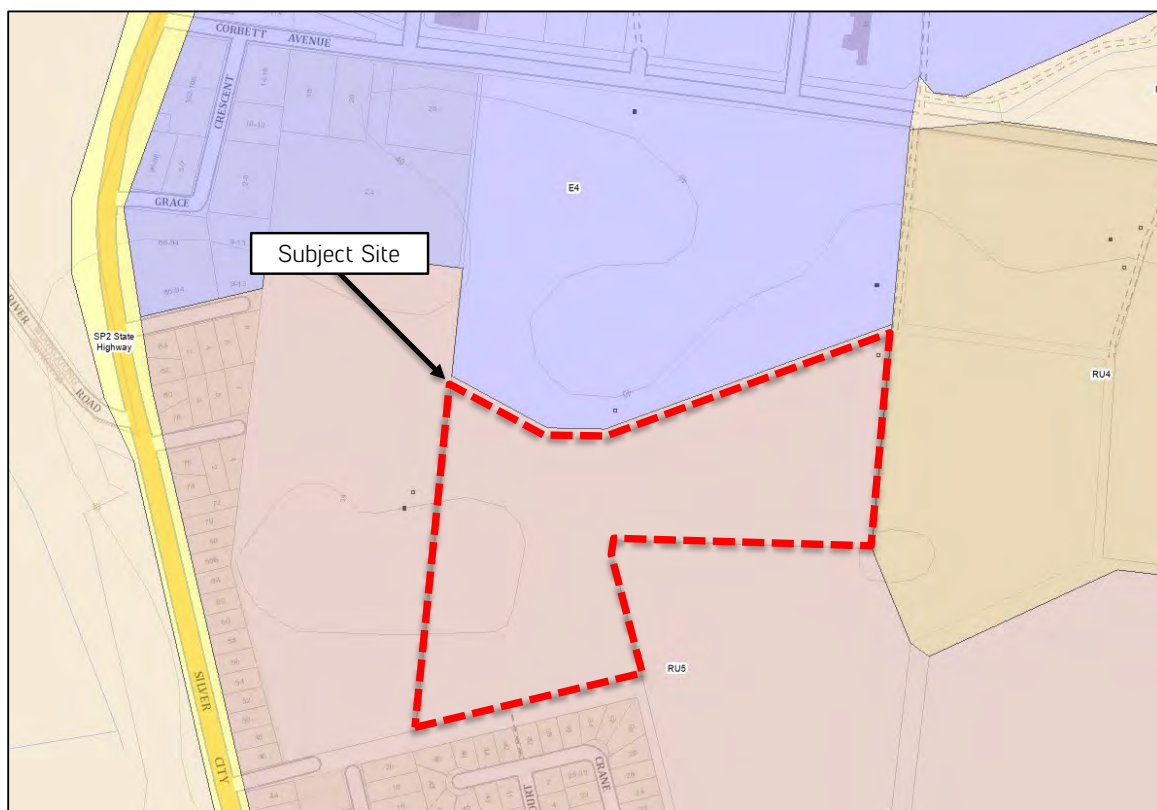


Figure 2 Land use zoning map (source: NSW Planning Portal)

2.3 ROAD NETWORK

2.3.1 CORBETT AVENUE

Corbett Avenue is a local road which has an east-west orientation. The carriageway is approximately 12m wide and accommodates a single traffic lane in each direction, with parallel on-street parking permitted on both sides. The speed limit is 50km/h.

2.3.2 FRIEL STREET

Friel is a local road which has a general north-south orientation. The carriageway is approximately 10m wide and accommodates a single traffic lane in each direction, with parallel on-street parking permitted on both sides. There is no posted speed limit, hence the default of 50km/h applies.

2.4 PUBLIC TRANSPORT

The site has access to public transport, with the Route 950 bus operating along Silver City Highway. The closest stop is approximately 350m (4-minute walk) south-west of the site. This route provides a service between Mildura and Wentworth.

3 PROPOSAL

It is proposed to construct a lifestyle village featuring 218 lots, to be constructed over five (5) stages. The site will also provide a reception building, function centre, indoor pool, tennis court, basketball court and jumping pillow.

There are 38 visitor parking spaces across the site. We understand that each lot will be provided with on-site parking once these are developed.

Vehicular access will be provided at the south-western corner of the site via a connection to Friel Street. A plan of the proposed development is attached at Appendix 1.

4 CAR PARKING REQUIREMENTS

Car parking requirements for various land uses are outlined in Section 5.2 of the Wentworth Shire Development Control Plan (DCP). The DCP does not specify parking rates for a lifestyle village, hence on-site parking will be provided in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

This document states the following regarding visitor parking:

A manufactured home estate must contain no fewer visitor parking spaces than 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.

Applying this to the proposed 218 lot site equates to a requirement to provide 36 visitor parking spaces. This is exceeded by the proposed 38 visitor spaces on the site.

Resident spaces will be provided on the individual lots when these are developed.

Based on the foregoing, we are of the opinion that the proposed parking provision is appropriate to support the needs of the development.

5 DESIGN ASSESSMENT

5.1 CAR PARKING LAYOUT

The proposed car parking layout and vehicle access arrangements have been checked against the relevant requirements of the DCP and Australian Standards and are found to be acceptable. The following is noted:

- Visitor parking spaces are to be at least 6.0m long x 2.5m wide, with access from a minimum 6.0m wide aisle. This meets/exceeds the requirements of AS2890.1 (2004) for User Class 2 (long-term) parking.
- The DDA car space and shared area are measured to be 6.0m long x 2.5m wide, satisfying the requirements of AS2890.6 (2009).
- The site is relatively flat and suitable grades will be provided throughout. This can also be ensured as a permit condition if required.
- There are no overhead obstructions in the car parking areas.

5.2 SITE ACCESS

The proposed site access is proposed as an extension of Friel Street and will maintain the 10m width of the existing carriageway. A boom gate is proposed to control vehicle access to the development.

5.3 INTERNAL CIRCULATION

The proposed internal roads range in widths between 6.0m – 10.0m. This is in accordance with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, which states that the width of the road reserve must be:

- At least 8.5 metres for a major access road; and
- At least 6 metres for a minor access road.

5.4 WASTE COLLECTION

Waste will be collected from the bin storage area near the site entrance. Swept path diagrams (refer Appendix 1) demonstrate an 8.8m waste collection vehicle stopping at the bin storage area and circulating within the site to exit.

We are therefore satisfied that suitable waste collection arrangements can be readily achieved by the proposed development.

6 TRAFFIC IMPACT ASSESSMENT

6.1 TRAFFIC GENERATION AND DISTRIBUTION

The RMS Technical Direction TDT 2013/04a provides updated traffic surveys for various land uses. The following traffic generation rates are provided for housing for seniors, which is considered applicable to the development:

- Weekday daily vehicle trips = 2.1 per dwelling
- Weekday peak hour vehicle trips = 0.4 per dwelling

Applying these rates to the proposed 218 lots equates to up to 458 daily vehicle trips and 87 peak hour vehicle trips.

All vehicles will be distributed to/from Friel Street.

6.2 TRAFFIC IMPACTS

The addition of 87 peak hour vehicle trips equates to on average one (1) additional vehicle every 41 seconds during the peak hour (two-way). This is relatively low in traffic engineering terms and can be readily accommodated by Friel Street and the surrounding road network. As access to the site will be constructed as an extension to Friel Street, therefore, no intersection treatment is necessary.

Friel Street has a width of 10m which allows two vehicles to pass simultaneously if vehicles are parked on both sides of the road. There are also currently only 20 lots that are accessed off Friel Street, hence existing traffic volumes are expected to be low and there is ample capacity to support the additional traffic generated by the proposal.

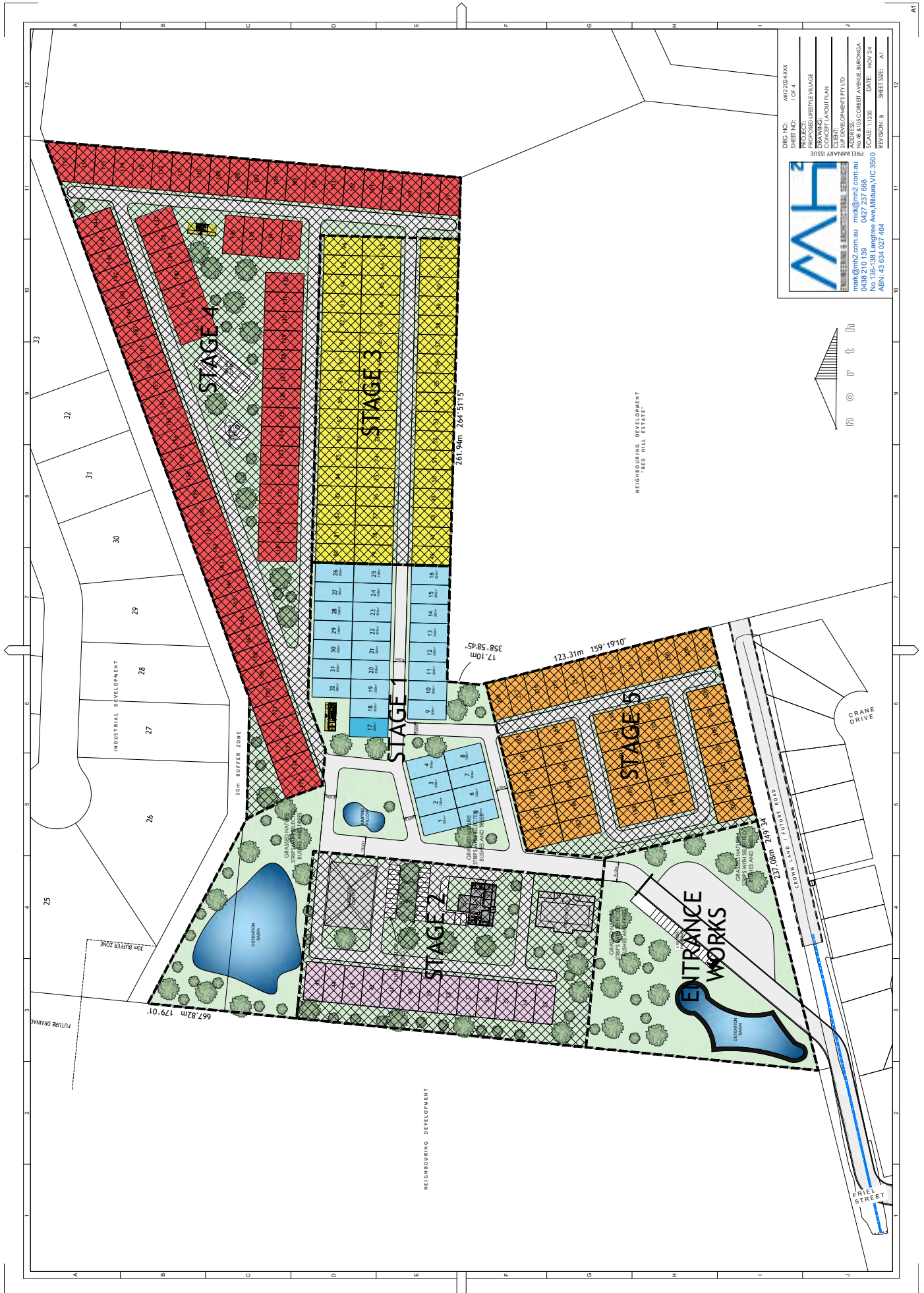
Accordingly, it is concluded that no external road works/mitigating treatments are necessary as a result of the proposed development, and that the level of traffic that is likely to be generated will be readily accommodated by the surrounding road network without any unreasonable detrimental impacts.

7 CONCLUSION

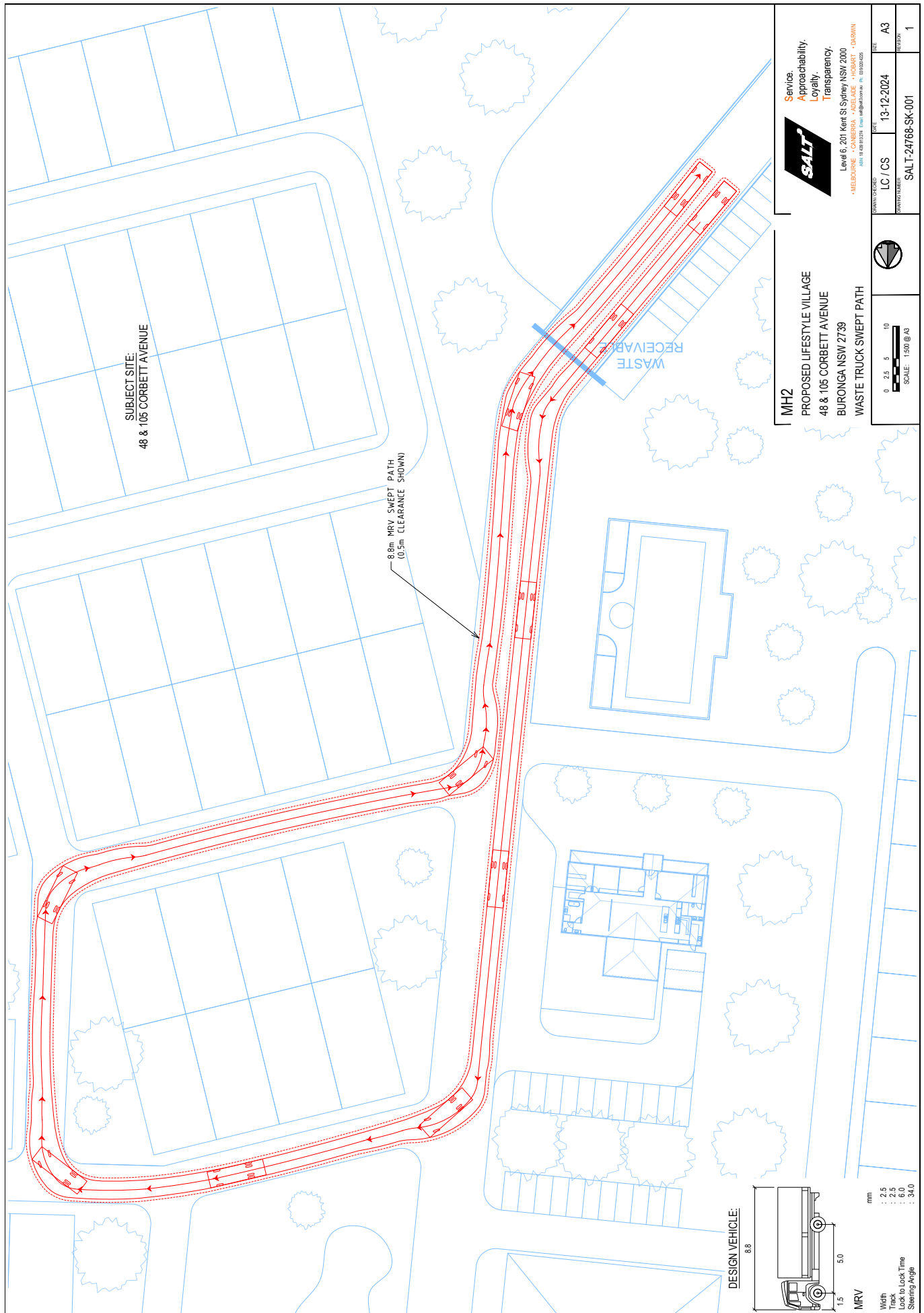
Having undertaken a detailed traffic engineering assessment of the proposed lifestyle village at 48 & 105 Corbett Avenue, Buronga, we are of the opinion that:

1. The provision of 38 visitor car parking spaces as well as parking at the individual sites is an appropriate supply to accommodate the needs of the development.
2. The proposed parking areas have been designed in accordance with AS2890.1-2004.
3. The internal road layout has been designed in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
4. Adequate provisions have been made for waste collection.
5. The level of traffic that is likely to be generated by the proposal is relatively low from a traffic engineering perspective and will be readily accommodated by Friel Street and the surrounding road network without the need for any mitigating treatments.
6. There is no traffic engineering reason why a Planning Permit should not be issued for the proposed development, subject to appropriate conditions.

APPENDIX 1 DEVELOPMENT PLAN



APPENDIX 2 SWEPT PATH DIAGRAMS



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9.16 DA2025/026 DWELLING WITH GARAGE AND STORAGE SHED LOT X DP 388592 BOEILL CREEK

File Number: RPT/26/413

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 (DA2025/026) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at Lot X DP 388592 Boeill Creek.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of cases decided by the Land and Environment Court, where development approval by Council were determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- For land associated with a pollution event (known to be contaminated), 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).
- A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood (compliance with clause 5.21 of the WLEP 2011)

- No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

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

- The application is recommended for refusal

Recommendation

That Council:

1. Refuse DA2025/026 for a dwelling with garage and storage shed at Lot X DP 388592 Boeill Creek subject to reasons.
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 DA2025/026, having consideration to the details provided both within this report and the attachments provided.

Background

A development application (DA2025/026) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at Lot X DP 388592 Boeill Creek. Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed development is permitted with consent under the RU1 Primary Production zoning of WLEP 2011.

Chapter 4 of the R&H SEPP applies to the land and, pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, is a relevant consideration. The site had a pollution event where a cleanup notice was issued by the Environment Protection Authority (EPA) and involves change of use from historical agricultural/horticultural uses to residential uses. Under Chapter 4 section 4.6(2) of the R&H SEPP, if the land is specified in subsection 4.6(4) the consent authority must consider a preliminary site investigation.

A preliminary site investigation was requested on 26 March 2026 and has not been provided. Chapter 4 of the R&H SEPP is a mandatory consideration which, if not complied with, prevents Council having the legal authority to issuing a development consent. As no preliminary site investigation has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

The site has been identified as being at or below the 1% AEP flood planning level as per the Wentworth Shire Council adopted flood study. Clause 5.21 of WLEP 2011 requires Council

to consider the proposed development whether is compatible with the flood function of the land, will not result in significant adverse effects on flood behavior or the environment, and any appropriate measures can manage risk to life in the event of a flood.

Additional information was requested from the applicant on 13 June 2025, for a Flood Impact and Risk Assessment (FIRA). Four (4) extensions were provided to the applicant, and no FIRA has been provided. As no FIRA has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

No wastewater management assessment supported by a land capability assessment report was provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*).

In summary, the development application in its current form does not comply with matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*. This includes not complying with jurisdictional matters which **do not** give Council the jurisdictional power to grant consent to the development application.

Refer to attachment 4 – Section 4.15 Assessment report

Refer to attachment 5 – Agency response

Options

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

1. Refuse DA2025/026 for a dwelling with garage and storage shed at Lot X DP 388592 Boeill Creek subject to the following reason:
 - a. Jurisdictional matters under the *State Environmental Planning Policy (Resilience and Hazards) 2021* were not met as no Preliminary Site Instigation was provided
 - b. Jurisdictional matters under clause 5.21 of the *Wentworth Local Environmental Plan 2011* were not met as no Flood Impact and Risk Assessment report was provided
 - c. Jurisdictional matters under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* were not met as no sewage disposal details with land capability assessment was provided
 - d. Does not satisfy requirements of the Wentworth Development Control Plan 2011

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*.

Should Council issue an approval for the application, anyone can challenge the validity of the consent or remedy a breach to the planning act under section 4.59 and 9.45 respectively 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 refuse to issue development approval subject to reasons.

Attachments

1. Development application (under separate cover) [↗](#)

2. Statement of Environmental Effects [↓](#)
3. Plans (under separate cover) [⇒](#)
4. S4.55 Assessment Report [↓](#)
5. Agency response (under separate cover) [⇒](#)

	Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	Statement of Environmental Effects Attachment C to the Development Application <i>made under the Environmental Planning & Assessment Regulation 2000</i>
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INTRODUCTION

To assist Council in assessing your development application, in accordance with relevant legislative requirements, it is necessary for you to answer the following questions and provide justification of your responses. These questions relate to common matters that need to be addressed in order to mitigate potential impacts resulting from your development.

Please note: Incomplete or insufficient information may lead to your application be delayed or rejected.

PERMISSIBILITY

- | | | |
|--|---|-----------------------------|
| • Is your proposal permissible in the zone? | ☒ Yes | ☐ No |
| • Is your proposal consistent with the zone objectives? | ☒ Yes | ☐ No |
| • Is your proposal in accordance with the relevant development control plan? | ☒ Yes | ☐ No |

If you answered "No" to any of the above, you should make an appointment to discuss your proposal with a member of the Health & Planning Division before lodging a development application. Please justify your answers below:

This proposal is for the construction of a dwelling and shed on Lot X DP388592 at 529A Boeill Creek Road, Boeill Creek.

The land is zoned RU1 – Primary Production pursuant to the Wentworth Local Environmental Plan (WLEP) 2011. The minimum lot size for this zone is 10,000ha. Clause 4.2B(3) of the WLEP states that:

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.*

Clause 4.2B(4) states that subclause (3) does not apply if –

- (a) there is a lawfully erected dwelling house on the land, and*
- (b) the dwelling house to be erected is intended only to replace the existing dwelling house.*

The lot size is below the minimum lot size and does not contain an existing dwelling. Therefore a Clause 4.6 Variation Request will be submitted with this Statement of Environmental Effects.

In addition to the principal development standards, the objectives of this zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

The Statement of Environmental Effects is to show that the proposal is in line with these objectives.

DESCRIPTION OF DEVELOPMENT

This needs to include where applicable a description of matters such as proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.

The replacement dwelling and shed will consist of the following:

- Three bedrooms and one master bedroom, with ensuite and walk-in robe;
- Living and dining room;
- Theatre room;
- Kitchen with scullery;
- Main bathroom, toilet and powder room,
- Laundry;
- Out outdoor living area;
- Front portico, double garage, concrete slab;
- Corrugated Colorbond sheet roofing to verandahs installed around perimeter of dwelling;
- Brick veneer external wall cladding; and
- A 15m x24m shed on concrete slab with Colorbond iron wall cladding, three 3000m wide x 3000mm high roll-a-doors and one personal access door.

Underground effluent disposal system to be installed.

The total area of the development will comprise:

- Dwelling 257.50sqm
- Garage 50.92sqm,
- Outdoor living 82.00sqm,
- Portico 8.16sqm
- Verandas 146.67sqm.

Total 545.25sqm.

The shed will add a further 360sqm, making the total developable area **905sqm**.

DESCRIPTION OF SITE

1. Describe the site including any physical features of the site such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

The site is a vast long stretch of land totalling 307,5001sqm. The northern boundary fronts Boeill Creek Road and the southern boundary slopes to meet the bank of the Murray River.

The land is cleared but for scattered vegetation, the dwelling and outbuilding.

2. What is the present use and previous uses of the site?

The site is presently used for rural residential purposes.

The lot has been in its current shape and form since at least May 1948. The site is depicted having the same dimensions on Deposited Plan 23113 prepared on 24 May 1948.

The current plan was prepared on 17th September 1953 and then approved by Council and covered by Council's Clerk's Certificate No. 10/53 of 22 January 1954, prior to Environmental Planning and Assessment Act 1979, and state environmental planning policies coming into effect.

Historical use of the site has not been identified. However, spatial imaging shows the dwelling and outbuilding on site in August 2010 surrounded by established trees, grass and various vegetation. The remainder of the land is cleared, with some vegetation and trees, and an unsealed access-way to the dwelling from Boeill Creek Road.

3. Is the development site subject to any of the following natural hazards: (e.g. bushfire prone, salinity, flooding or stormwater inundation etc.)

The subject land is located within a Flood Planning Area. Pursuant to clause 5.21(1) of the WLEP the objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land;
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change;
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment;
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
2. Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
3. In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change;
 - (b) the intended design and scale of buildings resulting from the development;
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood;
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

4. What other constraints exist on the site? (e.g. vegetation, easements, sloping land, drainage lines contamination, etc.)

Second Schedule - Notifications on Title
1 Reservation and conditions in the Crown Grant(s)

5. What types of land use and development exist on surrounding land?

RU1 - Rural Primary Production land surrounds the subject land. Some surrounding lots appear to have groves, orchards or some form of horticultural crop planted (for domestic use) in the vicinity of a residential dwelling located on the lot.

Generally, the surrounding land is arid, with spots of land containing lush vegetation closer to the river bank.

CONTEXT AND SETTING

- Will the development be:

o Visually prominent in the surrounding area?	☐ Yes	☒ No
o Inconsistent with the existing streetscape?	☐ Yes	☒ No
o Out of character with the surrounding area?	☐ Yes	☒ No
o Inconsistent with surrounding land uses?	☐ Yes	☒ No

Please justify your answers below:

The design of the proposal is consistent with current land zoning and permitted use of land.

PRIVACY, VIEWS AND OVERSHADOWING

- Will the development result in any privacy issues between adjoining properties as a result of the placement of windows, decks, pergolas, private open space, etc.?
☐ Yes ☒ No
- Will the development result in the overshadowing of adjoining properties resulting in an adverse impact on solar access?
☐ Yes ☒ No
- Will the development result in any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement areas, air conditioners and pumps, bedroom and living room windows, etc.?
☐ Yes ☒ No
- Will the development impact on views enjoyed from adjoining or nearby properties and public places such as parks roads and footpaths?
☐ Yes ☒ No

Please justify your answers below:

The proposed development will not adversely impact privacy, views, or cause overshadowing.

Appropriate setbacks are applicable to reduce or remove risk of breaching privacy, overshadowing.

ACCESS, TRAFFIC AND UTILITIES

- Is legal and practical access available to the development?
☒ Yes ☐ No
- Will the development increase local traffic movements / volumes? If yes, by how much?
☐ Yes ☒ No
- Are additional access points to a road network required?
☐ Yes ☒ No
- Has vehicle manoeuvring and onsite parking been addressed in the design?
☐ Yes ☐ No
- Are power, water, sewer and telecommunication services readily available to the site?
☒ Yes ☐ No

Please justify your answers below:

- Current access to the site is via an unsealed road along the western boundary of the property from Boeill Creek Road.
- Power is available on the site.
- A septic tank in situ as reticulated sewer services are unavailable.
- A rain water tank is adjacent the dwelling.

ENVIRONMENTAL IMPACTS

- | | | |
|---|---|--|
| • Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)? | ☐ Yes | ☒ No |
| • Does the development have the potential to result in any form of water pollution (eg. sediment run-off)? | ☐ Yes | ☒ No |
| • Will the development have any noise impacts above background noise levels (eg. swimming pool pumps)? | ☐ Yes | ☒ No |
| • Does the development involve any significant excavation or filling? | ☐ Yes | ☒ No |
| • Could the development cause erosion or sediment run-off (including during the construction period)? | ☐ Yes | ☒ No |
| • Is there any likelihood in the development resulting in soil contamination? | ☐ Yes | ☒ No |
| • Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)? | ☒ Yes | ☐ No |
| • Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance? | ☐ Yes | ☒ No |
| • Is the development likely to disturb any aboriginal artefacts or relics? | ☐ Yes | ☒ No |

Please justify your answers below:

No artefacts or relics are likely to be disturbed.

FLORA AND FAUNA IMPACTS

- | | | |
|---|------------------------------|--|
| • Will the development result in the removal of any native vegetation from the site? | ☐ Yes | ☒ No |
| • Is the development likely to have any impact on threatened species or native habitat? | ☐ Yes | ☒ No |

For further information on threatened species, visit www.threatenedspecies.environment.nsw.gov.au

Please justify your answers below:

No native vegetation is proposed to be removed from the site, and the development will not impact threatened species or native habitat because the site has already been cleared where the original dwelling is located.

WASTE AND STORMWATER DISPOSAL

- How will effluent be disposed of?
☐ To Sewer ☒ Onsite
- How will stormwater (from roof and hard standing) be disposed of:
☐ Council Drainage System ☒ Other (please provide details)
- Will liquid trade waste be discharged to Council's sewer? ☐ Yes ☒ No
- Will the development result in any hazardous waste or other waste disposal issue? ☐ Yes ☒ No
- Does the development propose to have rainwater tanks? ☒ Yes ☒ No
- Have all potential overland stormwater risks been considered in the design of the development? ☐ Yes ☒ No

Please justify your answers below:

An onsite – underground effluent disposal system is proposed to be installed.
 Stormwater will follow the slope to the river edge.

SOCIAL AND ECONOMIC IMPACTS

- Will the proposal have any economic or social consequences in the area? ☐ Yes ☒ No
- Has the development addressed any safety, security or crime prevention issues? ☐ Yes ☒ No

Please justify your answers below:

NA

CONCLUSION

Cumulative effects of all factors.

The Statement of Environmental Effects has not identified any planning and environmental reasons why this proposed development cannot proceed.

 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:	DA2025/026 & PAN-495938
Property Title & Address:	P357/0 – 529A Boeill Creek Road Boeill Creek Lot X DP 388592
Property owner(s):	BOONGALA LAND HOLDINGS PTY LTD & F & K STOCKMAN PROPERTY PTY LTD
Applicant(s):	MH2 ENGINEERING & ARCHITECTURAL SERVICES PTY LTD – Yeshni Purchase
Proposal:	Construction of dwelling with garage and storage shed
Previous DAs:	DA16/93 Rural Concessional allotment subdivision DA114/04 Proposed Shed Extension on floodplain
Cost of proposed development:	\$711,700.00
Recommendation of Officer:	Refusal, subject to attached reasons of refusal



Figure 1: Aerial view of the site (outlined in red).

SITE AND SURROUNDING DEVELOPMENT

The site is identified as 529A Boeill Creek Road, Boeill Creek and has a legal description of Lot X DP 388592. It is located on the southwest of Boeill Creek Road and the Murray River is abutting to the southwest of the site.

The site is irregular in shape. It seems to have a relatively flat terrain with an existing shed located at rear of the site near northwest boundary.

The site has a frontage of 85.9m to the of north (Boeill Creek Road), a rear boundary length of 318.248m to the southwest (the Murray River), a side boundary length of 988.18m to the west and 1011.25m to the northwest, and a side boundary length of 1210.02m to the east and 1051.606m to the southeast, resulting a total area of 30.757ha. No easement is shown in the title search.

An easement for transmission line 20m wide affects the site, bisecting it. The proposed dwelling is 33.7m to the north of the northern edge of the easement.

Vehicular access is not proposed as part of this application and does not currently exist to the property from Boeill Creek Road.

The adjacent lands are the following:

- To the south east the adjacent land at Lot 1 DP1217509 contains an existing dwelling house, shed.
- To the east the adjacent Lot 2 DP815738 the land appears to have been used for some cultivation but includes no dwelling.
- To the west, the adjacent land at Lot Y DP388592 is vacant at the time of assessment occurred.
- To the southwest, the site is abutting Murray River.

The surrounding area is characterised by existing residential development across Murray River to the southwest, and substantial vacant lands could be viewed from the west to east. The residential lands across Murray River are associated with mostly single storey dwelling house, outbuildings (or sheds) positioned close to the side boundary and landscaping.

The site contains no existing structures. Adjoining sites are also zoned RU1 – Primary Production and are vacant or contain dwellings and sheds. The site does not contain any known significant vegetation, and vegetation removal has not been identified as part of the application.

The site does not contain a heritage item and is not located within the heritage conservation area, or the urban release area. The site is impacted by floodway, flood planning, terrestrial biodiversity, and wetland mapped areas.

Site details are in **Table 1** and an aerial view in **Figure 1**.

Table 1: Site details

Zoning of the subject site	RU1 – Primary Production
Heritage	NA
Flooding affected	Yes, flood planning area

Bushfire prone area mapped	No
Wetland mapped	Yes up to the high bank
Terrestrial biodiversity mapped	Yes, floodplain wetland, up to the high bank
Urban release areas mapped	No

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the construction of a single storey dwelling and storage shed.

The applicant has provided the following information to support the proposal. The dwelling and shed will consist of the following:

- Three bedrooms and one master bedroom, with ensuite and walk-in robe;
- Living and dining room;
- Theatre room;
- Kitchen with scullery;
- Main bathroom, toilet and powder room,
- Laundry;
- Outdoor living area;
- Front portico, entry, double garage, concrete slab;
- Corrugated Colorbond sheet roofing to verandahs installed around perimeter of dwelling;
- Brick veneer external wall cladding; and
- A 15m x24m shed on concrete slab with Colorbond iron wall cladding. On the south-west elevation (closest to the proposed dwelling, two 3600mm wide x 4000mm high roller-doors, one 3000mm wide x3000mm roller-door, and one personal access door
- Underground effluent disposal system to be installed.
- A 22,300L rainwater tank off each of the dwelling and the shed.

The total area of the development will comprise:

- Dwelling 257.50sqm
- Garage 50.92sqm
- Outdoor living 82.00sqm,
- Portico 8.16sqm
- Verandas 146.67sqm.

Total area of 545.25sqm.

The shed will add a further 360m², making the total developable area of 905.25m².

The dwelling's location is 40m north of the high bank line with a FFL stated to be 750mm above the 1956 flood level, although the RL of the FFL is not provided. The shed is to be located 15m further to the north of the dwelling. No details are provided as to whether any earthworks are required to bring the FFL of the dwelling to the height proposed.

Further details are contained in **Figures 2 - 5** below and in the final architectural drawings (MH2 2024-089, dated April 2025).

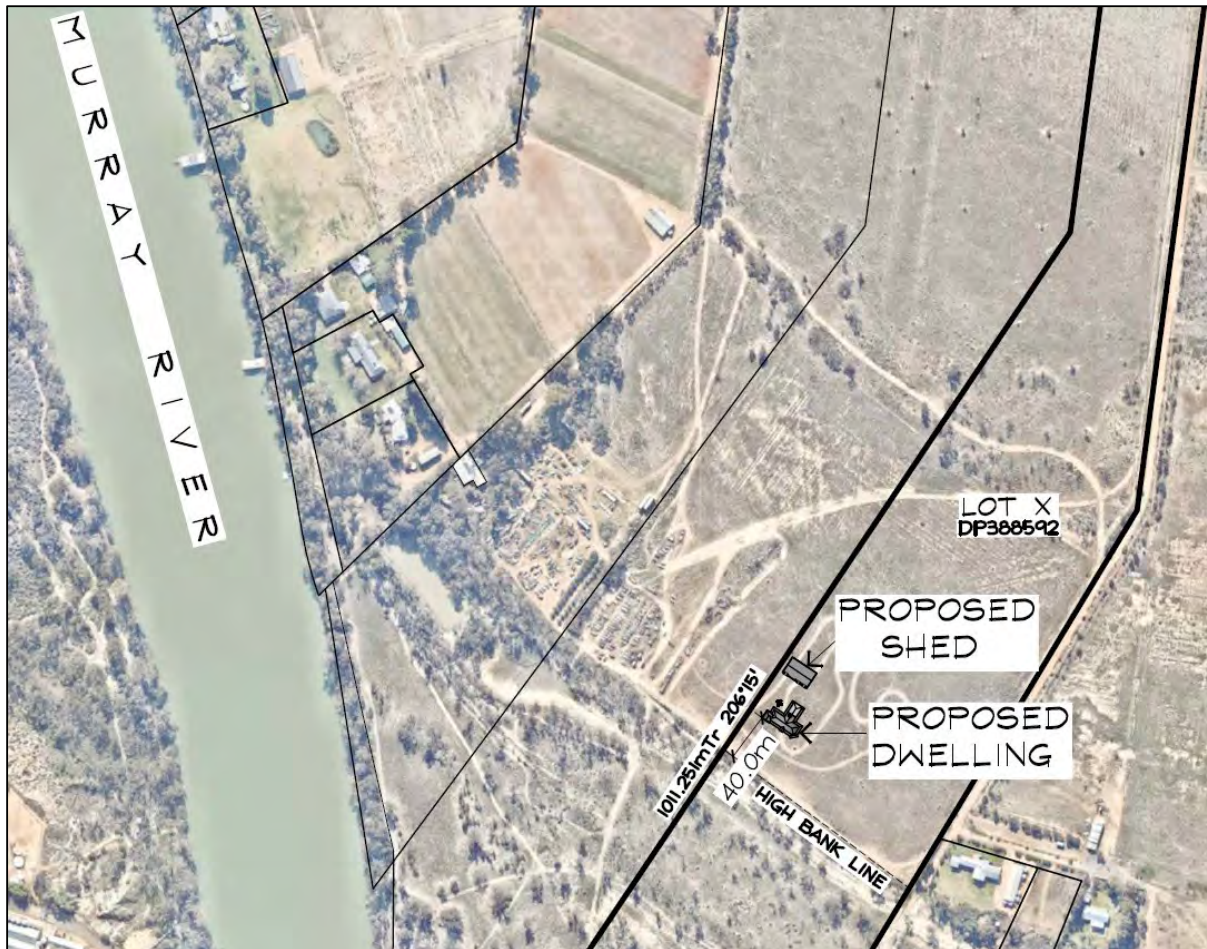


Figure 2: The proposed location of the dwelling and shed.

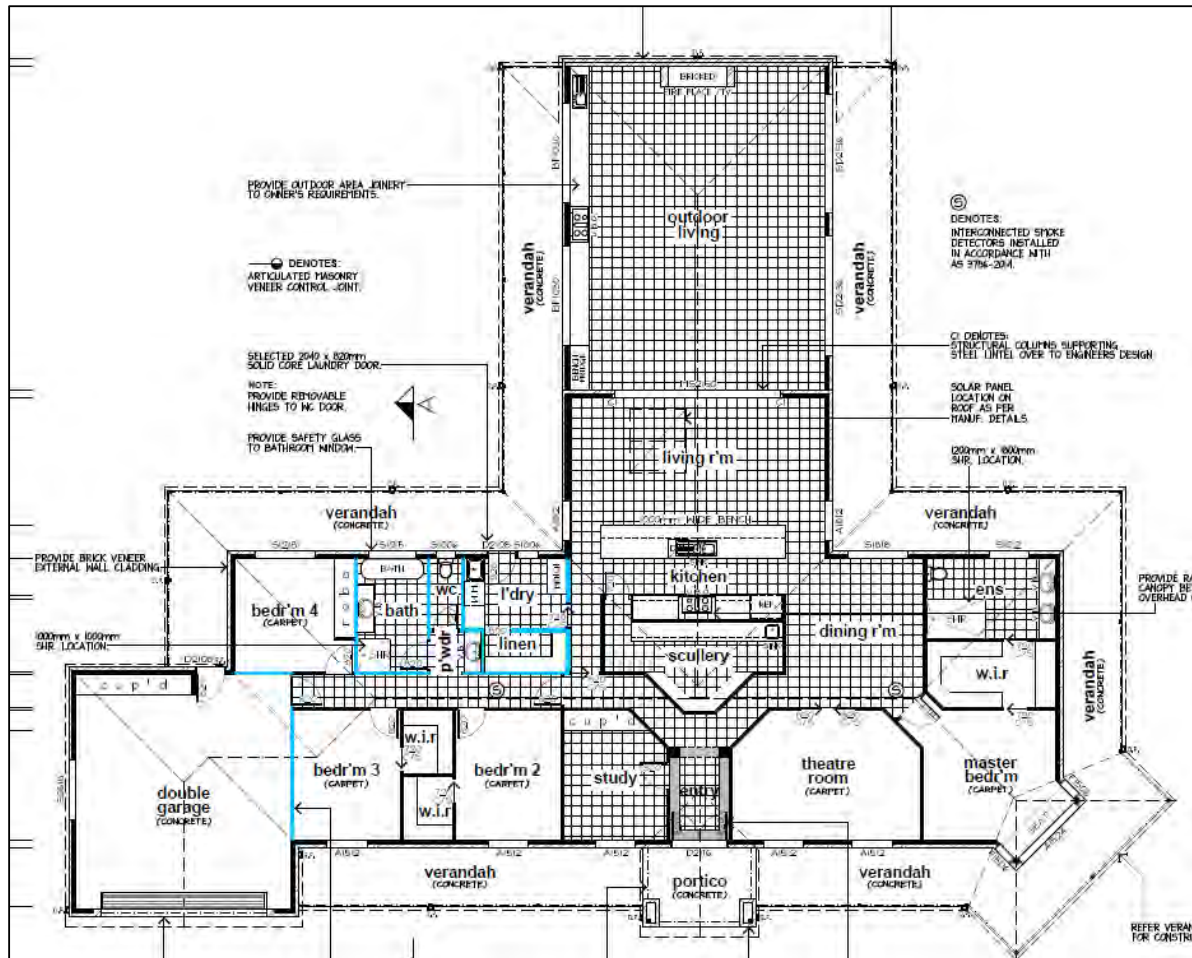


Figure 3: The proposed ground floor plan.

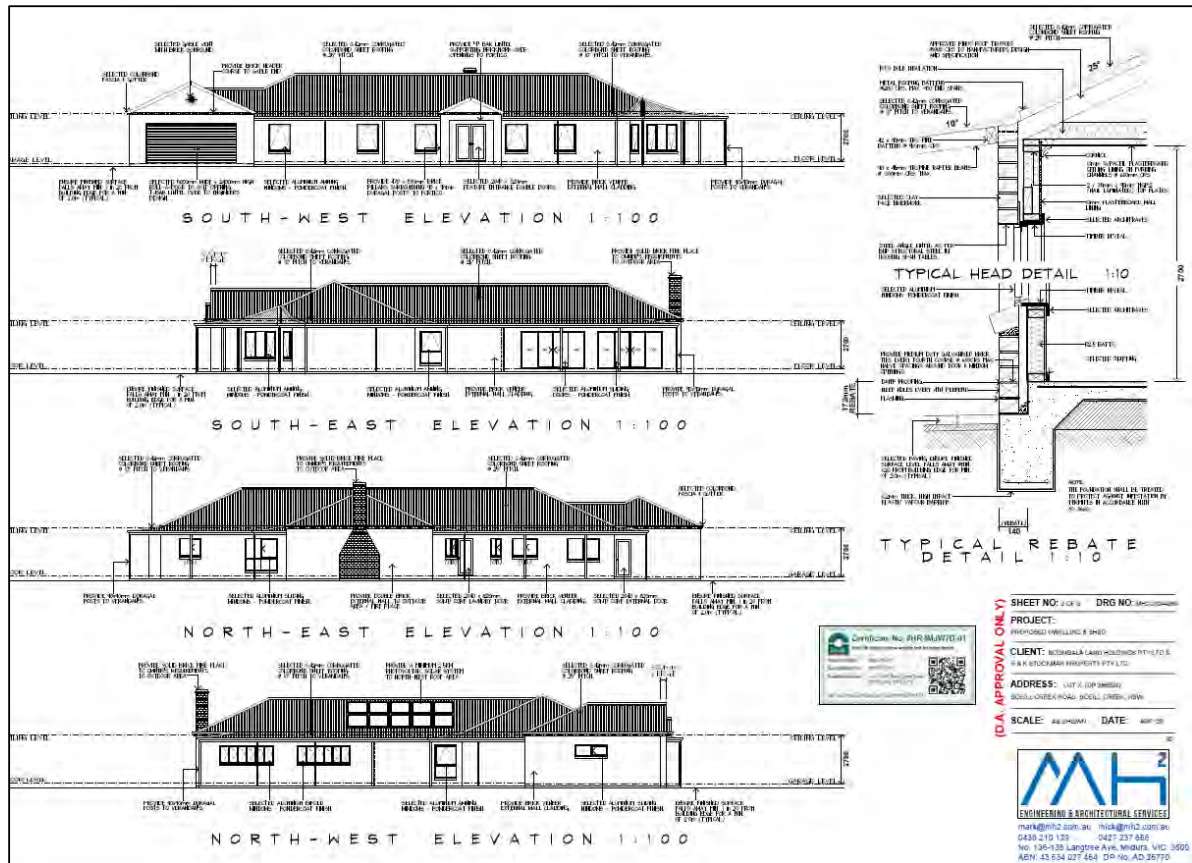


Figure 4: The proposed elevations of the proposed dwelling.

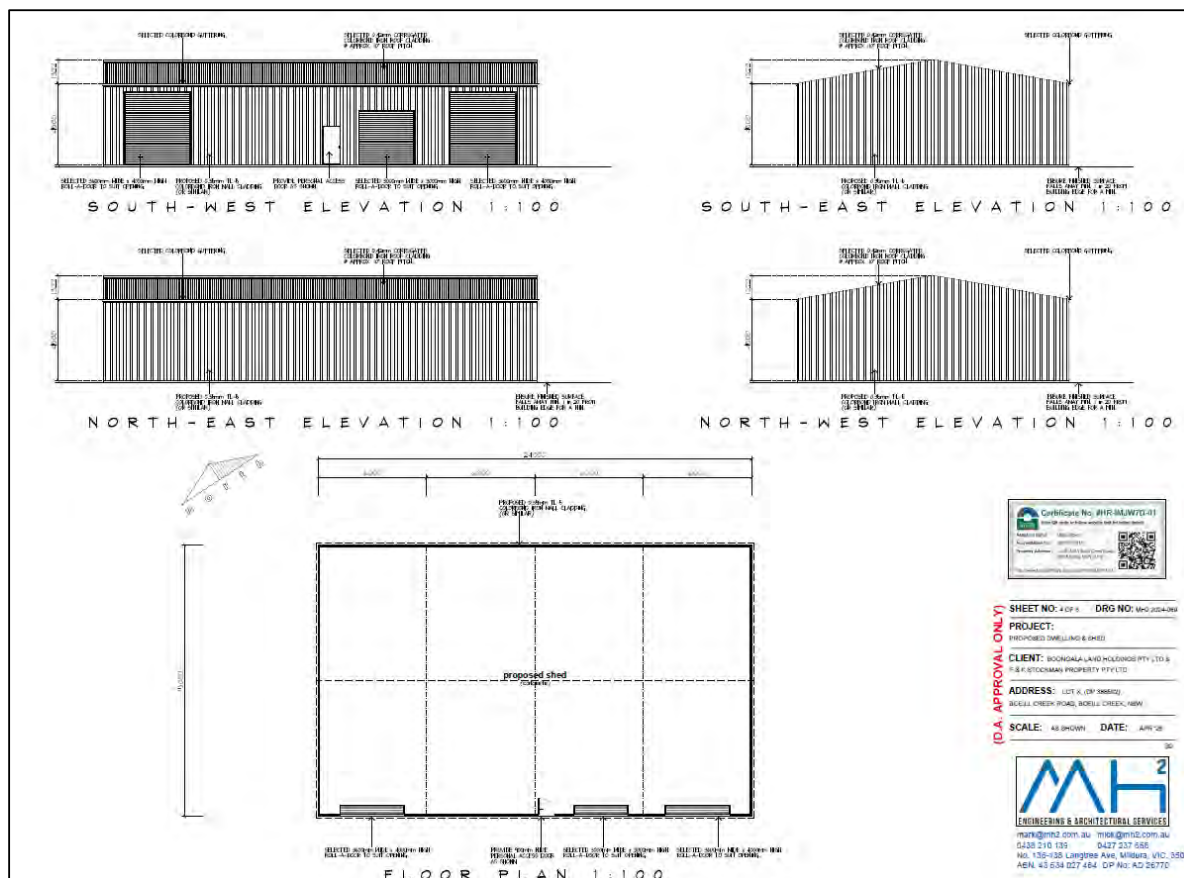


Figure 5: The proposed shed's floor plan and elevation.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

19 February 2025	The development application was lodged with Council. A first request for additional information letter was submitted to the applicant, requesting the following: • An assessment of the Five Part Test (Wehbe v Pittwater Council [2007] NSWLEC 827), • Assessment against Chapter 5 of the Biodiversity and Conservation SEPP 2021, • Assessment against the following clauses of the WLEP 2011: 5.16, 5.21, 7.1, 7.2, 7.4, 7.5, • How stormwater will be managed (note – no stormwater discharge is allowed to the river), • If any rainwater tanks are proposed or required, • Setback of the dwelling from the high bank of the river.
24 February 2025	A second RFI was issued seeking confirmation about the pollution impacts in relation to clause 4.6 of the SEPP (Hazards and Resilience) 2021
28 February 2025	The development application was placed on 14 days public exhibition until 14 March 2025.

27 March 2025	A copy of the clean up notice from the EPA dated 8 November 2025, and the EPA NSW letter dated 27 March 2025 confirming compliance with the Notice, was uploaded in relation to the second RFI.
17 April 2025	Updated drawings including rainwater tanks and the setback from the high bank line, answering part of the first RFI, were provided dated 19 February 2025 .
30 April 2025	Further supporting documents were provided in response to the first RFI dated 19 February 2025 , namely: • Clause 4.6 exception request relating to clause 4.2B of the WLEP; • Assessment against Chapter 5 River Murray Lands in the SEPP (Biodiversity and conservation) 2021; • Further information in relation to clauses 5.16, 5.21 and 7.1-7.5 of WLEP.
13 June 2025	A third request for additional information letter was submitted to the applicant, requesting the following: • A FIRA (Flood Impact and Risk Assessment) completed by a professional engineer with experience and advanced skills in catchment hydrology, floodplain hydraulics and working knowledge of FRM (flood risk management) and guidance in NSW. • The third RFI was due on 12 August 2025.
13 August 2025	A two-month extension was requested by the applicant. The required documents (FIRA) listed in the third RFI were not provided.
13 August 2025	First extension: Council granted the two-month extension with a new due date being 13 October 2025 .
9 October 2025	A two-month extension was requested by the applicant. The required documents (FIRA) listed in the third RFI were not provided.
10 October 2025	Second extension: Council granted the two-month extension with a new due date being 8 December 2025 .
04 December 2025	A three-month extension was requested by the applicant. The required documents (FIRA) outlined in the third request for additional information letter were still outstanding.
10 February 2026	Third extension: The extension of time to provide the FIRA, was granted with a new due date for its provision, being on 4 March 2026 .
26 March 2026	A fourth request for additional information letter was submitted to the applicant, requesting the following: • A FIRA (Flood Impact and Risk Assessment) is required that the site is located in flood affected area.

	• A preliminary site investigation is required as the site had previously been used for waste storage. • The RFI required answering by 26 April 2026.
14 April 2026	A two-month extension was requested by the applicant with a new proposed due date being on 14 June 2026 . The required documents (FIRA) were still not provided.
16 April 2026	Fourth extension: The fourth extension for the FIRA provision under the third RFI, and the first extension for the preliminary site investigation (sought under the fourth RFI dated 26 March 2026) was granted, requiring a response by 29 May 2026. No response was received.
26 June 2026	The applicant advised that they are in discussions with WSC / lawyers and seek a further 90 day extension

Despite various extensions of time, the applicant has not provided any required documents listed under the third and fourth RFIs issued on **13 June 2025** and **26 March 2026**.

A total of four extensions were granted in response to multiple requests over the past twelve months. However, the applicant has failed to provide the required FIRA and a preliminary site investigation, both required to enable the consent authority to grant approval. The relevant environmental planning instrument requirements have not been met, and insufficient information provided. The consent authority must not granted approval to the proposed development when the relevant jurisdictional requirements are not met. This forms a recommended reason for refusal.

SECTION 4.15-MATTERS FOR CONSIDERATION

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 site is in the RU1 zone and the chapter does not apply.

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 has an area of 30.75 hectares and the same ownership owns the adjacent Lot Y in DP38892 (an area of 30.71 Hectares) and its adjacent Lot 1 in DP 386033 of 22.07 Hectares. The total lot area is therefore 85.53 Hectares.

There is no requirement for the removal of any trees for the application and it is therefore considered that there is nothing within Chapter 3 which would prevent the grant of development consent.

Chapter 5 River Murray lands

The first RFI requested assessment against Chapter 5 of the SEPP (Biodiversity and Conservation) 2021, which was provided on 30 April 2025. This chapter applies to the application.

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.

Part 5.2 of the SEPP requires 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.

Clause 5.9 of the SEPP requires consideration of specific principles, including of flooding and wetlands and settlements. In the Applicant's response to Chapter 5 provided on 30 April 2025, there was no consideration of the principles in section 5.9, merely section 5.13 regarding setbacks.

The relevant aspects for consideration under section 5.9 include:

Flooding

Where land is subject to inundation by floodwater—

- (a) *the benefits to riverine ecosystems of periodic flooding,*
- (b) *the hazard risks involved in developing that land,*
- (c) *the redistributive effect of the proposed development on floodwater,*
- (d) *the availability of other suitable land in the locality not liable to flooding,*
- (e) *the availability of flood free access for essential facilities and services,*
- (f) *the pollution threat represented by any development in the event of a flood,*
- (g) *the cumulative effect of the proposed development on the behaviour of floodwater,*
and
- (h) *the cost of providing emergency services and replacing infrastructure in the event of a flood.*

The application includes very poor information or consideration of hazard risks involved in developing the land and the availability of a flood free access for essential facilities and services. The whole of the lot is within the flood planning area. No details about the extent of any fill on the land are provided, other than that the FFL of the dwelling is to be 750mm above the 1956 flood level. The proposal is therefore unclear as to the redistributive effect of the proposed development on floodwater and the cumulative effect of such filling.

Settlement

New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located—

- (a) on flood free land,*
- (b) close to existing services and facilities, and*
- (c) on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.*

The proposed dwelling and shed are not on flood free land, and are not close to existing services and facilities. Given that the land does not appear to have been cropped or used for pasture, it is not considered that the settlement would compromise the potential of the land.

Wetlands

The development is partly affected by wetland mapping. The application is satisfactory regarding the matters for consideration in the SEPP for wetlands.

Section 5.13 – Building Setbacks Special Provisions

Section 5.13 was considered by the Applicant in its response on 30 April 2025 and is required for consideration when the consent authority determines a development application. It requires all buildings to be set well back from the bank of the River Murray. The matters for consideration are:

- (a) **Effluent disposal:** The section notes that it is generally unsuitable to locate septic tanks on flood liable land, and requires any of these to be located as far as possible from the River Murray. It preferences package sewage treatment plants or dry toilet systems with excess stormwater (where possible) being disposed of on-site away from any septic absorption area.
- (b) **Landscaping:** reducing visual impact in the riverine environment by planting appropriate vegetation species

The applicant's response is that the building is set back 40m from the high bank line and the objectives are achieved by use of stormwater retention and drainage measures such as tanks and rubble pits, constructing the dwelling FFL at 750mm above the 1956 flood level and that the scenic landscape will be unaffected. The response indicates a land capability assessment can be completed to determine suitability and type of effluent disposal system to be used and that stormwater retention tanks are to be constructed. The response also indicates that existing vegetation will not be removed and native vegetation is to be planted to reduce the visual impact and reduce soil runoff in the event of rain.

Comment:

No land capability assessment is provided (as is required by section 5.3.5 of Chapter 5 of the DCP). The applicant has proposed a septic system and indicates stormwater overflow to rubble pits from both the dwelling and the shed. That is not consistent with the considerations in section 5.13 and insufficient information has been provided by a lack of a land capability assessment.

No details on the proposed landscaping are provided in the development application plans, although it is recognised that the dwelling and shed are at such a distance from the River Murray channel that the visual impact is unlikely to be significant.

In conclusion regarding Chapter 5 River Murray Lands of the SEPP (Biodiversity and Conservation) 2021:

- The application provided no comment on the planning principles in section 5.9
- Insufficient information is provided regarding the flooding aspects of the planning principles
- The proposed settlement is inconsistent with two of the three location requirements for settlements – including being on flood free land
- Effluent and stormwater disposal has not been properly considered and no land capability assessment has been provided.
- The landscaping which is mentioned as providing visual relief is not included in the plans.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate (Certificate number: 1781725S, Date of issue: Friday, 31 January 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 (TRANSPORT AND INFRASTRUCTURE) 2021

2.48 Determination of development application – other development

The application was referred to Essential Energy as it is located near electrical infrastructure. Accordingly, Section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 applies.

Comments were received from Essential Energy:

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- *As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the centre line of the 22kv to the nearest part of the development (measured horizontally) is required to ensure that there is no safety risk.*
- *It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.*

Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: <https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply> Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- *If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- *Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*
- *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.*

Should you require any clarification, please do not hesitate to contact us.

An assessment of the proposal against Section 2.48 under SEPP Infrastructure is summarised below:

Clause – 2.48 Determination of development application – other development	Proposal	Compliance/ Comment
(2) (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and	The proposal is now indicated to be 33.7m from the northern edge of the transmission easement	Yes – this exceeds the minimum 10m required by Essential Energy
(2) (b) take into consideration any response to the notice that is received within 21 days after the notice is given.		Noted

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land under the SEPP (Resilience and Hazards) 2021 applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration.

History:

A review of the available history for the site indicates that the land was associated with a pollution incident, being the illegal burying of waste. The waste allegedly included general rubbish, assorted car parts, truck tyres, pesticides and oil drums and an asbestos structure that was demolished on the site.

The Environment Protection Authority (EPA) issued a Clean-up Notice in relation to the alleged illegal burying of waste at the Premises on 08 November 2024. The EPA confirmed that the applicant

complied with the directions of Clean-up Notice 3510776 on 27 March 2025 and the applicant provided a copy of that advice. The EPA generally required evidence of removal of waste, refilling with excavated natural material, and transfer of the waste to a facility which could lawfully accept it. The EPA did not require a preliminary site assessment to ensure the site was no longer contaminated, nor did it require consideration of whether any further remediation would be required for any change of use.

Planner's Comment:

The applicant has not provided any test data sourced from the incident site to indicate whether the site is suitable (or will be suitable after remediation) for the purpose of residential development.

In the fourth RFI, Council required the applicant to provide a preliminary site investigation for the purposes of meeting the jurisdictional requirement under Chapter 4 of the SEPP. The applicant failed to provide such document and no response was received after the (extended) due date being 29 May 2026.

Insufficient information is provided to enable the consent authority to properly understand whether the proposed development is affected by the potential contamination, or whether the site is suitable for the proposed residential use. The requirements of the chapter are not considered to be satisfied, which is a jurisdictional requirement for consent authority, and this forms a recommended reason for refusal.

The EPA Clean-up Notice can be found in [Record DOC/25/7196: DA2025/026 EPA Compliance MH2 ENGINEERING & ARCHITECTURAL SERVICES PTY LTD / BOONGALA LAND HOLDINGS PTY LTD & F & K STOCKMAN PROPERTY PTY LTD Dwelling with garage and storage shed Boeill Creek Road Lot X DP 388592 Boeill Creek](#)

WENTWORTH LOCAL ENVIRONMENTAL PLAN (WLEP) 2011

The development site is subject to WLEP 2011.

Part 2 – Permitted or Prohibited Development

The site is zoned RU1 – Primary Production, where the proposed dwelling house with garage, and shed are permissible with consent. The relevant zone objectives are below:

Objectives of zone:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

The proposal does not promote primary industry production, encourage its diversity, or promote economic and employment opportunities in agriculture, horticulture and tourism, because the application acknowledges that no primary production appears to have been carried out on the site.

The proposed new dwelling house is unlikely to conflict with land uses within this zone. The application is therefore largely inconsistent with the objectives of the zone.

Part 4 – Principal Development Standards

Applicable WLEP 2011	Development Standard	Proposal	Compliance
4.2B Erection of dwelling houses in zone RU1, RU4, R5, C3, C4	(2) This clause applies to land in the following zones— (a) Zone RU1 Primary Production, (aa) Zone RU4 Primary Production Small Lots, (ab) Zone R5 Large Lot Residential, (b) Zone C3 Environmental Management, (c) Zone C4 Environmental Living.	The site is zoned as RU 1 Primary Production.	Yes, Clause 4.2B applies.
	(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	The lot size is 30.3542Ha, which does not meet the minimum lot size of 10,000 hectares specified for the subject site by the Lot Size Map under Wentworth LEP 2011. However, the lot was registered after 22 January 1954 prior to Wentworth LEP 2011. The site was zoned as 1(a) under the Wentworth LEP map 1993 map 2 and erected of a dwelling house was permitted with consent.	(a) No re the minimum lot size. (b) Yes, erection of a dwelling house is permitted with consent, and a Clause 4.6 is not required for this application.

Applicable WLEP 2011	Development Standard	Proposal	Compliance
	of subdivision had been registered before that commencement.		
	(4) Subclause (3) does not apply if— (a) there is a lawfully erected dwelling house on the land, and (b) the dwelling house to be erected is intended only to replace the existing dwelling house.	The site does not contain any erected dwelling house, and the purpose of this application is to construct a new dwelling house, shed and rainwater tank.	NA

The Deposited Plan DP388592 was registered after 22 January 1954. The lot was created under an environmental planning instrument – either Interim Development Order No 1 – Shire of Wentworth, or the Town and Country General Ordinance. Therefore, the lot was created before the WLEP 2011 commenced.

Under the available maps for Wentworth LEP 1993, the zoning for the site was 1 (a). In the following zones dwelling houses were permissible, albeit that some zones had minimum lot sizes for dwelling houses. However, they remained permissible:

- 1(a) (General Rural Zone)
- 1(c) (Rural Small Holdings Zone)
- 1(d) (Future Urban Zone)
- 2(v) (Village or Urban Zone)
- 4(a) (General Industrial) – but only if it was in conjunction with industries
- 4(b) (Light Industrial Zone)
- 6(a) (Open Space Zone) – but only if the dwelling house was ancillary to permitted uses

It appears that section 4.2B(3) is not an impediment to the grant of consent due to the lot being created prior to 2011 and on which dwelling houses were permissible. The proposal meets the requirement of Clause 4.2B (b) of the WLEP 2011, therefore, a clause 4.6 request is not required.

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 5.16 - Subdivision or dwellings on land in certain rural, residential or conservation zones

This clause applies in zones RU1, RU2, RU3, RU4, RU6, R5, C2, C3 and C4 where there is subdivision of land proposed to be used for the purposes of a dwelling, or the erection of a dwelling is proposed. The matters in s 5.21(4) must be taken into account, being:

- (a) *the existing uses and approved uses of land in the vicinity of the development,*
- (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The proposal is considered acceptable in relation to the matters set out in clause 5.16(4) because:

- The current use of the land in the vicinity is for rural primary production, although the land and surrounding area has been largely undeveloped. Rural residential land is at the adjacent Lot 1 DP1217509 and on Lot 2 DP815738 to the east of the site
- the proposed development is unlikely to have a significant impact on land uses that are likely to be preferred in the vicinity,
- the proposed development is compatible with the existing land use,
- No measures have been proposed by the applicant to avoid any incompatibility

Clause 5.21 - Flood Planning

The site has been identified as being at or below the 1% AEP flood planning level. Council is required to consider the proposed development whether is compatible with the flood function of the land, will not result in significant adverse effects on flood behaviour or the environment, and any appropriate measures can manage risk to life in the event of a flood.

The first RFI requested assessment against clause 5.21 of the LEP, which was provided on 30 April 2025. Subsections 5.21(2) and (3) require the consent authority to be satisfied of a number of matters in (2) and consider the matters in (3):

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*

- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*
 - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The applicant's response indicated that:

- The dwelling will be constructed above the high bank
- Design features which can be incorporated to manage risk to life include FFL of habitable rooms above flood heights and non-habitable rooms no more than allowable below the defined flood levels
- Footings to provide support to prevent flotation, collapse or significant movement from flood actions
- Geotechnical considerations to account for instability and any decrease in structural integrity
- Structural supports (piers, posts, columns and piles) used to elevate the buildings taking into account erosion and debris action
- Use of fill to support the footing system
- Egress being available to be rescued or to leave safely
- They would use planting of vegetation as a flood mitigation measure (presumably although poorly stated), that location of the development will promote bank stability

The response to the matters raised by clause 5.21 is not considered satisfactory because:

- None of the proposed mitigation measures or management measures (including the structural support and landscaping) are actually included in the proposed plans
- There is no analysis of the flood function of the land
- No flood evacuation procedure has been provided to manage risk to life
- Insufficient details are provided as to how erosion and siltation will be managed

In the third RFI, the applicant was requested to provide the Flood Impact and Risk Assessment (FIRA) and it was still not received after the final due date of 29 May 2026. Insufficient information is provided to enable the consent authority to properly understand whether the proposed work will be affected by any flooding events.

No appropriate measures are provided to demonstrate how the flooding risk will be managed in the event of a flood. The consent authority cannot therefore be satisfied that the development is compatible with the flood function and behaviour of the land, and that appropriate measures to manage risk to life in the event of a flood are included. Insufficient information has been provided. The requirements of the clause are not considered to be satisfied, which is a jurisdictional requirement for consent authority, and this forms a recommended reason for refusal.

Part 6 Urban Release Areas

The site is not mapped as an urban release area. Accordingly, Clause 6.2 of WLEP 2011 is not applicable to this application.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

The proposal appears to involve earthworks for the provision of a dwelling and ancillary works, although no details are provided, other than that the finished surface is to fall away at a minimum 1:20 from the building paved edge for a minimum of 2.0m (see sheet 3 of 6), or alternatively 1:40 for at least 1m (see sheet 5 of 6). The proposed works are unlikely to disrupt or affect 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, 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 applies to zones RU5 Village, R5 Large Lot Residential, E3 Productivity Support, and E4 General Industrial. The site is not in any of these zones and the clause does not apply.

Clause 7.4 Terrestrial Biodiversity

The proposal is partly located within the area identified as “Terrestrial Biodiversity” on the Natural Resource—Terrestrial Biodiversity Map. Assessment against Clause 7.4(3) indicates the proposal:

- a. is unlikely to have adverse impacts on the condition, ecological value and significance of the fauna and flora on the land. No vegetation clearing will be conducted as part of the construction of the driveway.
- b. is unlikely to have adverse impacts on the importance of the vegetation on the land to the habitat and survival of native fauna.
- c. is unlikely to have any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land.
- d. is unlikely to have adverse impacts on the habitat elements providing connectivity on the land.

An assessment of the proposed development against clause 7.4(4) is as follows:

- a. The development is sited some distance from the river/ flora and fauna habitat. Conditions of consent will manage environmental impacts.
- b. The risks are able to be mitigated through the application of conditions of consent for the development on the site.
- c. Noted

Clause 7.5 Wetland

The proposal is partly located within the area identified as “Wetlands” on the Natural Resource—Wetlands Map. Assessment against Clause 7.5(3) is as follows:

- a. The proposal will not affect growth and survival of flora and fauna.
- b. No vegetation to be removed a part of the construction.
- c. No native vegetation to be removed.
- d. The development location is located in a wetland mapped area. However, the land has been historically disturbed.

An assessment of the proposed development against clause 7.5(4) is as follows:

- a) The location on site of the development is appropriate in respect of the wetland provisions. Subject to adequate arrangements and provision for sewage and stormwater disposal, the development is not anticipated to cause adverse impacts.
- b) Noted, further information is required to ensure the wetland areas are not impacted by sewage and stormwater disposal.

Clauses 7.6 – Development on river front areas

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, none of which include for construction of a dwelling house. If the development does fall within those purposes listed in 7.6(2), the consent authority must be satisfied of various other matters set out in clause 7.6(3).

The proposed development is approximately 525m away from the boundary with the Murray River and approximately 40m away from the high bank line. Accordingly, the proposed development is outside the riverfront area and clause 7.6 does not apply.

Clause 7.7 - Riparian land and Murray River and other watercourses

Clause 7.7 relevantly applies to land identified as watercourse on the Natural Resource – Watercourse map and land within 40 metres of the top of bank of such identified watercourse. The site is identified in the watercourse map. The proposed development is approximately 40m away from the top of bank and the clause therefore does not apply.

(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,

Wentworth Shire Development Control Plan (WSDCP) 2011

The proposed development is subject to the provisions of the Wentworth Shire Development Control Plan (WSDCP) 2011 which is considered below.

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 to the Murray River or Darling River	RU1 Primary Production – 100m	The proposed development is setback 525m away from the boundary.	Yes
2.1 Buffer corridor	All properties – 40m	The proposed development is setback 525m away from the boundary.	Yes

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 satisfactory.

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.

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. No vegetation removal is proposed and the provisions are considered satisfactory.

4 Flood Affected Land

The site is affected by flooding and has been considered under section 5.21 of the WLEP 2011. The WDCP defines the flood planning level and land at or below a 1% AEP flood level plus 750mm freeboard.

In the third RFI, the applicant was requested to provide the Flood Impact and Risk Assessment (FIRA). No response was received by the extended due date of 29 May 2026. Insufficient information is provided to enable the consent authority to properly understand whether the proposed work will be affected by any flooding events. No appropriate measures were provided to demonstrate how the flooding risk will be managed in the event of a flood.

Further, the provisions seek to ensure that untreated sewage and sullage is not deposited into the river or natural watercourse and that treated effluent is discharged to ground disposal well clear of any riverbank. The DCP recommends a small package treatment plant where there is no sewage system, reuse of treated effluent, and overflows from rainwater tanks to be directed away from the river. The SEE indicates that an underground effluent disposal system would be installed, with stormwater to drain to the river. However, the applicant has not provided any plans to detail the underground effluent disposal system. Insufficient information is provided to enable the consent authority to properly understand how the underground effluent disposal system would operate and will not have an adverse impact to the environment.

The provisions require the minimising of cut and fill and directions on earthworks mounds. It requires pier and beam construction or suspended reinforced concrete slabs to allow floodwaters to flow under the building. This is not proposed. The requirements of the WSDCP 2011 are not considered to be satisfied, and this forms a recommended reason for refusal.

Overall, those requirement of the WSDCP 2011 is not considered to be satisfied, and this forms a recommended reason for refusal.

5 Vehicular Access and Parking

The proposed development includes two car spaces which satisfies the relevant controls of section 5.2 of the WSDCP 2011.

6 Crime prevention through environmental design

The proposed development satisfies the relevant objectives and controls of the WSDCP 2011. 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 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	The proposed garage width is 6.5m.	Yes

Applicable WDCP 2011 controls	Development standards			Development proposal	Compliance/ Comment
	Dwelling articulation is required. The articulation zone should be located 2m from the front boundary Dwelling entry to address the street.				
4.1.3 Front setback	Type of development	RU5	R5	The front setback is not applicable to the site zoned RU 1 Primary Production. The proposed development is located more than 500m to the front boundary.	NA
	Single-storey building	6m	15m		
	In established areas of Wentworth, Dareton and Pooncarie: - Setback must match one adjoining building if their setbacks differ by ≤ 2m. - If the difference is > 2m, use the average setback of both adjoining dwellings.				
4.1.4 Side setback and corner lot setbacks	Type of development	Controls		Dwelling house Northwest side setback = 12m Southeast side setback = 145.3m Shed Northwest side setback=5m Southeast = more than 100m	Yes
	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		525m	Yes
	Single-storey building	3m (minimum)			
	Note: Balconies with 1.7m obscure screening for balcony allowed in setback				
4.1.6 Walls on boundaries	Where a new wall is constructed on or within 150mm of a side or rear boundary or a carport is within 1m of a side or rear			The proposal does not include any retaining wall or wall is constructed on or	NA

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	boundary, it should not abut the boundary for a length of: Max length = 10m + 25% of the remaining boundary length New wall height on or within 150mm of the boundary or a carport within 1 metre of the boundary: Average height: $\leq 3\text{m}$ Maximum height: $\leq 3.6\text{m}$ Exception: Can exceed these if abutting a higher existing or simultaneously built wall	within 150mm of a side or rear boundary.	
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.	Single storey dwelling house is proposed.	NA
4.1.8 Site coverage	60% (for single dwelling houses and dual occupancies)	Dwelling 257.50sqm Garage 50.92sqm Shed 360sqm Total 668.42sqm or 0.002%	Yes
4.1.9 Private Open space	Each dwelling must have at least 40m² 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.	Area of 82sqm private open space is proposed.	Yes
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.	Achieved	Yes
4.1.11 Daylight to existing windows	Buildings facing a habitable room window must provide a light court: - Min. area: 3m²	No existing dwelling presents on site.	NA

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- 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		
4.1.12 North-facing windows	If a north-facing habitable room window is within 3m of a 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.	Achieved	Yes
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:	Achieved	Yes

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- 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		
4.1.14 Fencing and retaining walls	Front fence = 1.5. (main road) Or 1.2m (other street)	No front fence or retaining wall are proposed.	NA
4.1.15 Car parking and vehicle access	Dwelling house = 1 space per dwelling 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	Two car parking spaces are proposed.	Yes
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.	No details provided.	No details provided

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	Batters must not exceed a 1:2 slope unless site stability is confirmed. Stormwater runoff must not impact neighbouring properties.		

Chapter 5 – Rural Development Controls

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
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) - 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.	Living areas are located facing north. Front setback exceeds 50m. Other siting issues suitable	Yes
5.3. b) Access	All dwellings must have legal, properly constructed access via a public road.	No access exists and none is set out in the proposed plans	No

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
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	2 tanks each of 22,500L are proposed	No - could be conditioned
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 Wastewater management assessment report is required.	Adequate space is available. The 100m setback from the River Murray channel is provided, but not from the top of bank. Insufficient details are provided. No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system.	No – insufficient information
5.3.3 Fencing	<1.2m	None proposed	NA
5.3.4 dwelling setbacks from river	As per WLEP 2011. – generally 100m setback to the river	More than 100m from the channel, but not from the high bank of the river. Note that the LEP has provisions seeking to prevent development such as dwelling houses within 30m of the top of bank.	No, however it complies with clause 7.6 and 7.7 of the LEP being 40m from the top of bank.
5.3.5 Land Capability	A land capability assessment to show that the land can support the proposed agricultural use	Not provided.	No
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	Can be conditioned. No amenities proposed in the shed	Can be conditioned

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	months while a dwelling is being built. Toilets, showers, basins, and fireplaces may be installed for amenity use in rural sheds.		

(iia) 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.

(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 environmental impacts have been assessed in detail above as summarised in the table below. The proposal is considered not to exclude the possible impact on the natural and built environment.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The proposed development is in keeping with other developments constructed in the locality.
Public domain & Streetscape	X			The proposed dwelling and storage shed will not be visible from the street due to distance. They are also a considerable distance from the River Murray
Landscaping		X		Landscaping is stated to form part of this application, for flood mitigation and visual impact, however no details are provided
Stormwater		X		Insufficient details are provided to demonstrate that stormwater will be acceptable given proximity to wetlands and the River Murray.
Heritage			X	There are no heritage items on site or within the surrounds.
Soils & Soils Erosion	X			Soil management could be conditioned as part of consent if approved.

Air and microclimate	X			No impact anticipated
Water Resources	X			Distance between waterway and proposed development complies with WLEP 2011.
Biodiversity (Flora & Fauna)	X			No clearing of vegetation to occur. The site has been historically disturbed – remnant vegetation existing but not significant.
Land Resources	X			None located on the site expected to impact the proposed development.
Utilities		X		Insufficient information provided as to connection to services, including sewage management
Access & Parking		X		Parking space available. No access is proposed in the development
Roads & Traffic			X	No new roads proposed, traffic increase only anticipated during construction.
Solar Access and Energy Efficiency	X			Basix and NatHERS included with application
Overshadowing			X	Not relevant
Privacy & Overlooking			X	Not relevant
Flooding		X		Site is impacted significantly by flooding. No FIRA was provided.
Bushfire Prone Area			X	Not in a bushfire prone area
Noise	X			Noise will be minimal during construction however hours of work could be conditioned to reduce any potential impacts if approved
Technological hazards			X	None anticipated
Safety, Security & Crime Prevention	X			Development not anticipated to adversely affect safety or security in the area if approved
Social and Economic Impacts	X			There are no social or economic impacts anticipated from the development if approved

(c) the suitability of the site for the development,

The site is considered not suitable for a residential use without further information satisfying the consent authority that:

- the site is suitable for use in its current state for residential development, due to known contamination of the site; and
- insufficient information as to the flooding risk amelioration and method by which the development will be elevated above the flood planning area.

(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 conflicts with the public interest and is likely to set an undesirable precedent. The public interest is served through the consistent application of planning controls, which promotes certainty and fairness.

Insufficient planning merits are provided to justify breaches of the planning controls in this application. The proposal is not consistent with what is anticipated by the planning controls and cannot therefore be considered in the public interest.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	Y	As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the centre line of the 22kv to the nearest part of the development (measured horizontally) is required to ensure that there is no safety risk. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or C EOP8041 - Work Near Essential Energy's Underground Assets. Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply Applicants are advised that fees and charges will apply where Essential Energy provides this service. Council's and the applicant's attention is also drawn to Section 49

Department	Referred Y/N	Comments
		of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. Essential Energy makes the following general comments: - If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment; - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; - Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure; - Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.
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	Y	Include Performance bond conditions (Subdivision only) Include Contributions Plan Include Service Plans 1 & 2 (Subdivisions Only)
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	

Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
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, it is considered that DA 2025/026 should be refused, subject to the reasons below.

1. Refusal Reason – Environmental Planning Instruments

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply (nor provide compelling merit to justify the breach) with the relevant environmental planning instruments in terms of the following:

- (a) The proposal fails to satisfy the Objectives in Section 4.1 and has not provided the preliminary site investigation required by Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4.
- (b) The proposal fails to provide adequate information to enable the consent authority to properly consider the matters it is required to consider in Section 4.6(3) of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, to ensure the land is suitable for residential use.
- (c) The proposal fails to provide sufficient information to inform the consent authority regarding the planning principles and sewage and stormwater disposal to satisfy the requirements of section 5.7- 5.9 and 5.13 of Chapter 5 River Murray Lands in SEPP (Biodiversity and Conservation) 2021.
- (d) The proposal is largely inconsistent with the objectives of the RU1 Primary Production zone in Wentworth Local Environmental Plan 2011, noting that it appears that no primary production has occurred or is proposed on the site.
- (e) The proposal fails to satisfy the Objectives of Clause 5.21 – Flood Planning of the Wentworth Local Environmental Plan 2011, to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (f) The proposal fails to satisfy the requirements of Clause 5.21(2) – Flood Planning of the Wentworth Local Environmental Plan 2011, to incorporate appropriate measures to manage risk to life in the event of a flood.

- (g) The proposal fails to provide adequate information to enable the consent authority to form the required satisfaction under Clause 5.21 – Flood Planning of the Wentworth Local Environmental Plan 2011. It is unclear whether the proposed dwelling enables the safe occupation and efficient evacuation of people in the event of a flood.
- (h) The proposal fails to provide adequate information to enable the consent authority to form the required satisfaction under clause 7.5 Wetlands of the Wentworth Local Environmental Plan 2011. It is unclear that sewage and stormwater disposal has been adequately considered to manage and avoid potential adverse impacts or what mitigations measures and minimising of impacts is proposed.

2. Refusal Reason – Development Control Plan

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply (nor provide compelling merit to justify non-compliance with) the following sections of the Wentworth Shire Development Control Plan (WSDCP) 2011:

- a) The proposal fails to take consideration of the safe occupation and efficient evacuation of people in the event of a flood under Chapter 3 Section 4 of the WSDCP 2011.
- b) No land capability assessment has been provided as required under section 5.3.5 of the WSDCP 2011.
- c) No wastewater management assessment is provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system as required by section 5.3.2 of Chapter 5 of the WSDCP 2011.
- d) No legal point of access has been indicated and no driveway or access point proposed for the proposed dwelling, as is required by section 5.3(b) of Chapter 5 of the WSDCP 2011.

3. Refusal Reason – Suitability of Site

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the location within the site is considered not suitable for the proposed development given the likelihood of a flood affecting the site and the lack of access to an escape route during the course of a flood.

4. Refusal Reason – Public Interest

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest for the following reasons:

- (a) The proposal is for a residential dwelling and shed on land which is heavily impacted by flooding and from which no safe evacuation opportunities have been identified by the applicant.
- (b) The application does not provide satisfactory information regarding sewage and stormwater disposal.
- (c) The application has not demonstrated that the site will be suitable for use as a residential dwelling taking into account previous known contamination.

5. Refusal Reason – Insufficient Information

- a) A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood.
- b) A preliminary site investigation is required as the site had previously been used for illegal waste storage and the application has not provided sufficient information for the consent authority to be satisfied of the requirements in Chapter 4 of the SEPP (Resilience and Hazards) 2021.
- c) No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system.

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Rosalind Read Planning Officer	
Date: 3 July 2026	Date:

9.17 DA2025/027 DWELLING WITH GARAGE AND STORAGE SHED LOT Y DP 388592 BOEILL CREEK

File Number: RPT/26/409

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 (DA2025/027) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at Lot Y DP 388592 Boeill Creek.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order includes was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of cases decided by the Land and Environment Court, where development approval by Council was determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- For land associated with a pollution event (known to be contaminated), 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).
- A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood (compliance with clause 5.21 of the WLEP 2011)

- No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

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

- The application is recommended for refusal

Recommendation

That Council:

1. Refuse DA2025/027 for a dwelling with garage and storage shed at Lot Y DP 388592 Boeill Creek subject to reasons.
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 DA2025/027, having consideration to the details provided both within this report and the attachments provided.

Background

A development application (DA2025/027) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at Lot Y DP 388592 Boeill Creek. Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed development is permitted with consent under the RU1 Primary Production zoning of WLEP 2011.

Chapter 4 of the R&H SEPP applies to the land and, pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, is a relevant consideration. The site had a pollution event where a cleanup notice was issued by the Environment Protection Authority (EPA) and involves change of use from historical agricultural/horticultural uses to residential uses. Under Chapter 4 section 4.6(2) of the R&H SEPP, if the land is specified in subsection 4.6(4) the consent authority must consider a preliminary site investigation.

A preliminary site investigation was requested on 26 March 2026 and has not been provided. Chapter 4 of the R&H SEPP is a mandatory consideration which, if not complied with, prevents Council having the legal authority to issuing a development consent. As no preliminary site investigation has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

The site has been identified as being at or below the 1% AEP flood planning level as per the Wentworth Shire Council adopted flood study. Clause 5.21 of WLEP 2011 requires Council

to consider the proposed development whether is compatible with the flood function of the land, will not result in significant adverse effects on flood behavior or the environment, and any appropriate measures can manage risk to life in the event of a flood.

Additional information was requested from the applicant on 13 June 2025, for a Flood Impact and Risk Assessment (FIRA). Four (4) extensions were provided to the applicant, and no FIRA has been provided. As no FIRA has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

No wastewater management assessment supported by a land capability assessment report was provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*).

In summary, the development application in its current form does not comply with matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*. This includes not complying with jurisdictional matters which **do not** give Council the jurisdictional power to grant consent to the development application.

Refer to attachment 4 – Section 4.15 Assessment report

Refer to attachment 5 – Agency response

Options

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

1. Refuse DA2025/027 for a dwelling with garage and storage shed at Lot Y DP 388592 Boeill Creek subject to the following reason:
 - a. Jurisdictional matters under the *State Environmental Planning Policy (Resilience and Hazards) 2021* were not met as no Preliminary Site Instigation was provided
 - b. Jurisdictional matters under clause 5.21 of the *Wentworth Local Environmental Plan 2011* were not met as no Flood Impact and Risk Assessment report was provided
 - c. Jurisdictional matters under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* were not met as no sewage disposal details with land capability assessment was provided
 - d. Does not satisfy requirements of the Wentworth Development Control Plan 2011

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*.

Should Council issue an approval for the application, anyone can challenge the validity of the consent or remedy a breach to the planning act under section 4.59 and 9.45 respectively 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 refuse to issue development approval subject to reasons.

Attachments

1. Development application (under separate cover) [↗](#)

2. Statement of Environmental Effects [↓](#)
3. Plans (under separate cover) [⇒](#)
4. S4.55 Assessment report [↓](#)
5. Agency response (under separate cover) [⇒](#)

	Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	Statement of Environmental Effects Attachment C to the Development Application <i>made under the Environmental Planning & Assessment Regulation 2000</i>
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INTRODUCTION

To assist Council in assessing your development application, in accordance with relevant legislative requirements, it is necessary for you to answer the following questions and provide justification of your responses. These questions relate to common matters that need to be addressed in order to mitigate potential impacts resulting from your development.

Please note: Incomplete or insufficient information may lead to your application be delayed or rejected.

PERMISSIBILITY

- | | | |
|--|---|-----------------------------|
| • Is your proposal permissible in the zone? | ☒ Yes | ☐ No |
| • Is your proposal consistent with the zone objectives? | ☒ Yes | ☐ No |
| • Is your proposal in accordance with the relevant development control plan? | ☒ Yes | ☐ No |

If you answered "No" to any of the above, you should make an appointment to discuss your proposal with a member of the Health & Planning Division before lodging a development application. Please justify your answers below:

This proposal is for the construction of a dwelling and shed on Lot Y DP388592 at 529A Boeill Creek Road, Boeill Creek.

The land is zoned RU1 – Primary Production pursuant to the Wentworth Local Environmental Plan (WLEP) 2011. The minimum lot size for this zone is 10,000ha. Clause 4.2B(3) of the WLEP states that:

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.*

Clause 4.2B(4) states that subclause (3) does not apply if –

- (a) there is a lawfully erected dwelling house on the land, and*
- (b) the dwelling house to be erected is intended only to replace the existing dwelling house.*

The lot size is below the minimum lot size and does not contain an existing dwelling. Therefore, a Clause 4.6 Variation Request will be submitted with this Statement of Environmental Effects.

In addition to the principal development standards, the objectives of this zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

The Statement of Environmental Effects is to show that the proposal is in line with these objectives.

DESCRIPTION OF DEVELOPMENT

This needs to include where applicable a description of matters such as proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.

The replacement dwelling and shed will consist of the following:

- Three bedrooms and one master bedroom, with ensuite and walk-in robe;
- Living and dining room;
- Theatre room;
- Kitchen with scullery;
- Main bathroom, toilet and powder room,
- Laundry;
- Out outdoor living area;
- Front portico, double garage, concrete slab;
- Corrugated Colorbond sheet roofing to verandahs installed around perimeter of dwelling;
- Brick veneer external wall cladding; and
- A 15m x24m shed on concrete slab with Colorbond iron wall cladding, three 3000m wide x 3000mm high roll-a-doors and one personal access door.

Underground effluent disposal system to be installed.

The total area of the development will comprise:

- Dwelling 257.50sqm
- Garage 50.92sqm,
- Outdoor living 82.00sqm,
- Portico 8.16sqm
- Verandas 146.67sqm.

Total 545.25sqm.

The shed will add a further 360sqm, making the total developable area **905sqm**.

DESCRIPTION OF SITE

1. Describe the site including any physical features of the site such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

The site is a vast long stretch of land totalling 307,5001sqm. The northern boundary fronts Boeill Creek Road and the southern boundary slopes to meet the bank of the Murray River.

The land is cleared but for scattered vegetation, the dwelling and outbuilding.

2. What is the present use and previous uses of the site?

The site is presently used for rural residential purposes.

The lot has been in its current shape and form since at least May 1948. The site is depicted having the same dimensions on Deposited Plan 23113 prepared on 24 May 1948.

The current plan was prepared on 17th September 1953 and then approved by Council and covered by Council's Clerk's Certificate No. 10/53 of 22 January 1954, prior to Environmental Planning and Assessment Act 1979, and state environmental planning policies coming into effect.

Historical use of the site has not been identified. However, spatial imaging shows the dwelling and outbuilding on site in August 2010 surrounded by established trees, grass and various vegetation. The remainder of the land is cleared, with some vegetation and trees, and an unsealed access-way to the dwelling from Boeill Creek Road.

3. Is the development site subject to any of the following natural hazards: (e.g. bushfire prone, salinity, flooding or stormwater inundation etc.)

The subject land is located within a Flood Planning Area. Pursuant to clause 5.21(1) of the WLEP the objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land;
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change;
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment;
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
2. Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
3. In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change;
 - (b) the intended design and scale of buildings resulting from the development;
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood;
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

4. What other constraints exist on the site? (e.g. vegetation, easements, sloping land, drainage lines contamination, etc.)

Second Schedule - Notifications on Title
1 Reservation and conditions in the Crown Grant(s)

5. What types of land use and development exist on surrounding land?

RU1 - Rural Primary Production land surrounds the subject land. Some surrounding lots appear to have groves, orchards or some form of horticultural crop planted (for domestic use) in the vicinity of a residential dwelling located on the lot.

Generally, the surrounding land is arid, with spots of land containing lush vegetation closer to the river bank.

CONTEXT AND SETTING

- Will the development be:

o Visually prominent in the surrounding area?	☐ Yes	☒ No
o Inconsistent with the existing streetscape?	☐ Yes	☒ No
o Out of character with the surrounding area?	☐ Yes	☒ No
o Inconsistent with surrounding land uses?	☐ Yes	☒ No

Please justify your answers below:

The design of the proposal is consistent with current land zoning and permitted use of land.

PRIVACY, VIEWS AND OVERSHADOWING

- Will the development result in any privacy issues between adjoining properties as a result of the placement of windows, decks, pergolas, private open space, etc.?
☐ Yes ☒ No
- Will the development result in the overshadowing of adjoining properties resulting in an adverse impact on solar access?
☐ Yes ☒ No
- Will the development result in any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement areas, air conditioners and pumps, bedroom and living room windows, etc.?
☐ Yes ☒ No
- Will the development impact on views enjoyed from adjoining or nearby properties and public places such as parks roads and footpaths?
☐ Yes ☒ No

Please justify your answers below:

The proposed development will not adversely impact privacy, views, or cause overshadowing.

Appropriate setbacks are applicable to reduce or remove risk of breaching privacy, overshadowing.

ACCESS, TRAFFIC AND UTILITIES

- Is legal and practical access available to the development?
☒ Yes ☐ No
- Will the development increase local traffic movements / volumes? If yes, by how much?
☐ Yes ☒ No
- Are additional access points to a road network required?
☐ Yes ☒ No
- Has vehicle manoeuvring and onsite parking been addressed in the design?
☐ Yes ☐ No
- Are power, water, sewer and telecommunication services readily available to the site?
☒ Yes ☐ No

Please justify your answers below:

- Current access to the site is via an unsealed road along the western boundary of the property from Boeill Creek Road.
- Power is available on the site.
- A septic tank in situ as reticulated sewer services are unavailable.
- A rain water tank is adjacent the dwelling.

ENVIRONMENTAL IMPACTS

- | | | |
|---|---|--|
| • Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)? | ☐ Yes | ☒ No |
| • Does the development have the potential to result in any form of water pollution (eg. sediment run-off)? | ☐ Yes | ☒ No |
| • Will the development have any noise impacts above background noise levels (eg. swimming pool pumps)? | ☐ Yes | ☒ No |
| • Does the development involve any significant excavation or filling? | ☐ Yes | ☒ No |
| • Could the development cause erosion or sediment run-off (including during the construction period)? | ☐ Yes | ☒ No |
| • Is there any likelihood in the development resulting in soil contamination? | ☐ Yes | ☒ No |
| • Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)? | ☒ Yes | ☐ No |
| • Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance? | ☐ Yes | ☒ No |
| • Is the development likely to disturb any aboriginal artefacts or relics? | ☐ Yes | ☒ No |

Please justify your answers below:

No artefacts or relics are likely to be disturbed.

FLORA AND FAUNA IMPACTS

- | | | |
|---|------------------------------|--|
| • Will the development result in the removal of any native vegetation from the site? | ☐ Yes | ☒ No |
| • Is the development likely to have any impact on threatened species or native habitat? | ☐ Yes | ☒ No |

For further information on threatened species, visit www.threatenedspecies.environment.nsw.gov.au

Please justify your answers below:

No native vegetation is proposed to be removed from the site, and the development will not impact threatened species or native habitat because the site has already been cleared where the original dwelling is located.

WASTE AND STORMWATER DISPOSAL

- How will effluent be disposed of?
☐ To Sewer ☒ Onsite
- How will stormwater (from roof and hard standing) be disposed of:
☐ Council Drainage System ☒ Other (please provide details)
- Will liquid trade waste be discharged to Council's sewer? ☐ Yes ☒ No
- Will the development result in any hazardous waste or other waste disposal issue? ☐ Yes ☒ No
- Does the development propose to have rainwater tanks? ☒ Yes ☒ No
- Have all potential overland stormwater risks been considered in the design of the development? ☐ Yes ☒ No

Please justify your answers below:

An onsite – underground effluent disposal system is proposed to be installed.
 Stormwater will follow the slope to the river edge.

SOCIAL AND ECONOMIC IMPACTS

- Will the proposal have any economic or social consequences in the area? ☐ Yes ☒ No
- Has the development addressed any safety, security or crime prevention issues? ☐ Yes ☒ No

Please justify your answers below:

NA

CONCLUSION

Cumulative effects of all factors.

The Statement of Environmental Effects has not identified any planning and environmental reasons why this proposed development cannot proceed.

 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:	DA2025/027 & PAN – 495975
Property Title & Address:	529A Boeill Creek Road Boeill Creek P357/0 Lot Y DP 388592
Property owner(s):	BOONGALA LAND HOLDINGS PTY LTD & F & K STOCKMAN PROPERTY PTY LTD
Applicant(s):	MH2 ENGINEERING & ARCHITECTURAL SERVICES PTY LTD – Yeshni Purchase
Proposal:	Construction of a single storey dwelling with garage, storage shed and rainwater tank
Previous DAs:	DA16/93 Rural Concessional allotment subdivision DA114/04 Proposed Shed Extension on floodplain
Cost of proposed development:	\$711,700.00
Recommendation of Officer:	Refusal, subject to attached reasons of refusal



Figure 1: Aerial view of the site (outlined in red).

SITE AND SURROUNDING DEVELOPMENT

The site is identified as 529A Boeill Creek Road, Boeill Creek and has a legal description of Lot Y DP 388592. It is located on the southwest of Boeill Creek Road and Murray River is abutting to the southwest of the site.

The site is irregular in shape. It seems to have a relatively flat terrain with no existing development onsite.

The site has a frontage of 169.243m to the of north (Boeill Creek Road), a rear boundary length of 191.049m to the southwest, a side boundary length of 1005.84m to the west and 656.592m to the northwest, and a side boundary length of 988.54m to the east and 1011.251m to the southeast, resulting a total area of 30.71ha. No easement is shown in the title search.

A 20m wide power easement is 31.2m away to the southwest from the proposed dwelling. Vehicular access is not proposed in this application.

The adjacent lands are the following:

- To the northwest, the adjacent land at Lot 1 DP386033 contains an existing dwelling house.
- To the southeast, the adjacent land at Lot X DP388592 is vacant at the time of assessment occurred.
- To the southwest, the site is abutting Murray River.

The surrounding area is characterised by existing residential development across Murray River to the southwest, and substantial vacant lands could be viewed from the west to east. The residential lands across Murray River are associated with mostly single storey dwelling house, outbuildings (or sheds) positioned close to the side boundary and landscaping.

The site contains no existing structures. Adjoining sites are also zoned RU1 – Primary Production and are vacant or contain dwellings and sheds. The site does not contain any known significant vegetation, and vegetation removal has not been identified as part of the application.

The site does not contain a heritage item and is not located within the heritage conservation area, or the urban release area. The site is impacted by floodway, flood planning, terrestrial biodiversity, and wetland mapped areas.

Site details are in **Table 1** and an aerial view in **Figure 1**.

Table 1: Site details

Zoning of the subject site	RU 1 – Primary Production
Heritage	NA
Flooding affected	Yes, flood planning area
Bushfire prone area mapped	NA
Wetland mapped	Yes, floodplain wetland
Terrestrial biodiversity mapped	Yes,
Urban release areas mapped	No

DESCRIPTION OF PROPOSAL

Council has received an application for construction of a single storey dwelling with garage, storage shed and rainwater tank.

Internal work

- Double garage
- Bedroom 3 & 2 with walk in wardrobe
- Study with built-in cupboard
- Entry
- Theatre room
- Master bedroom with walk in wardrobe and ensuite
- Dining room
- Scullery and kitchen
- Laundry room and linen
- Bathroom with toilet and powder room
- Bedroom 4 with built in robe
- Living room
- Outdoor living area

External work

- Colorbond roof with a 25-degree pitch
- Portico
- Verandah
- Solid brick fireplace
- Shed with a maximum height of 5.822m, a length of 24m and a width of 15m. The proposed shed has three roller doors and one access door on the southwest façade.
- Two 22,500 liter rainwater tanks
- Rubble pit with insufficient information where the proposed location and pathway would be.

Further details are contained in **Figures 2-7** below and in the final architectural drawings (MH2 2024-087, dated December 2024).

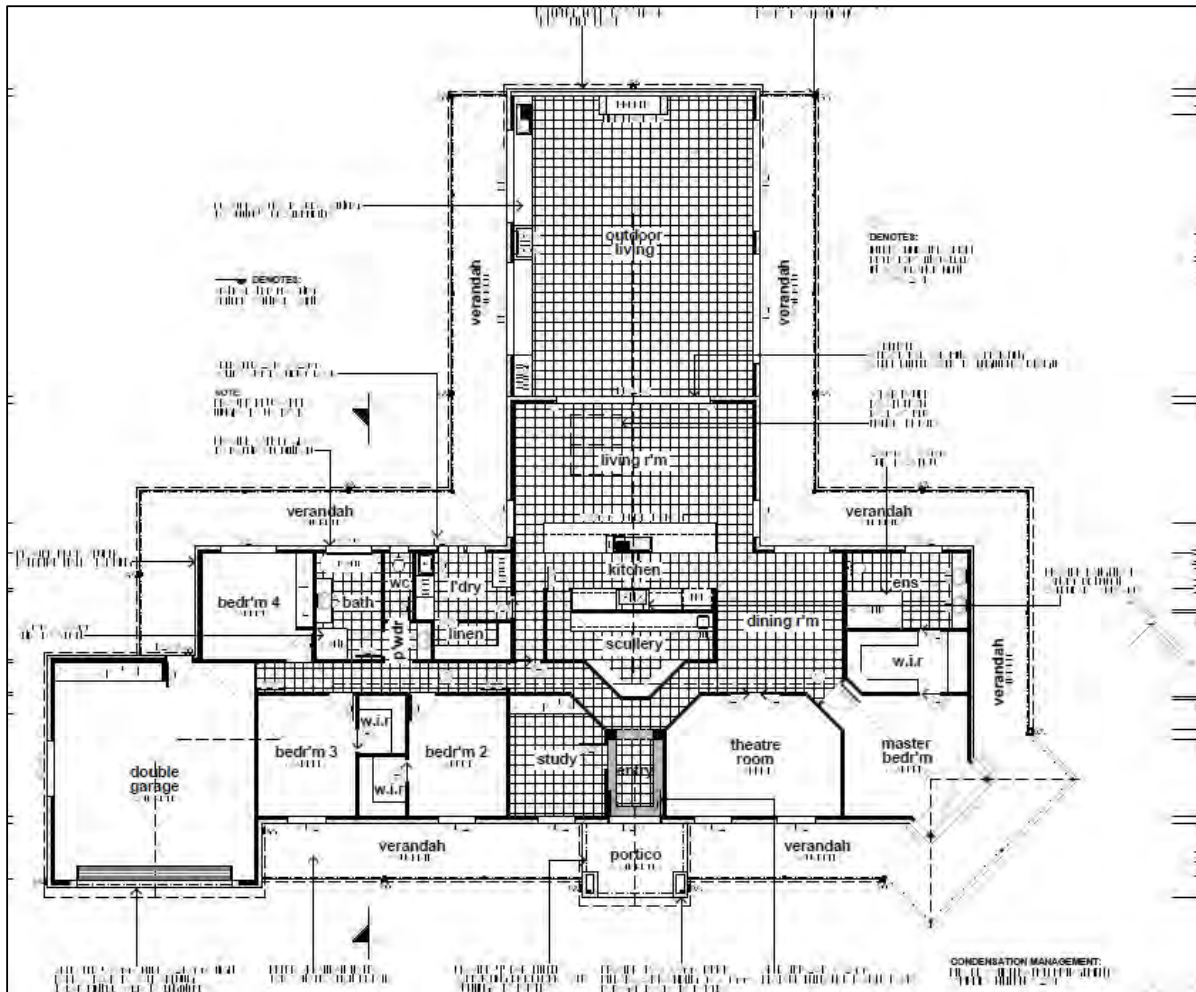


Figure 2: The proposed floor plan of the dwelling house



Figure 3: The proposed dwelling house's southwest and southeast elevations



Figure 4: The proposed dwelling house's northeast elevation and northwest elevation

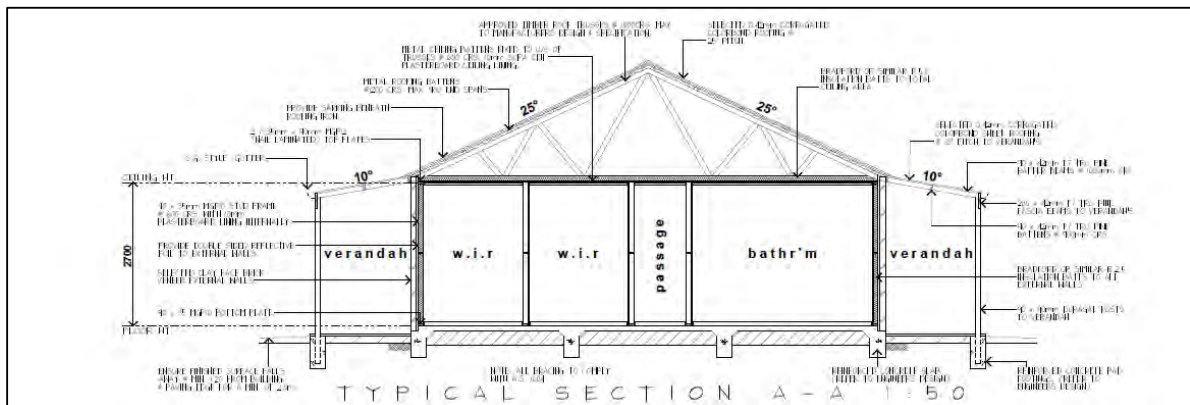


Figure 5: The proposed dwelling house's typical section A-A

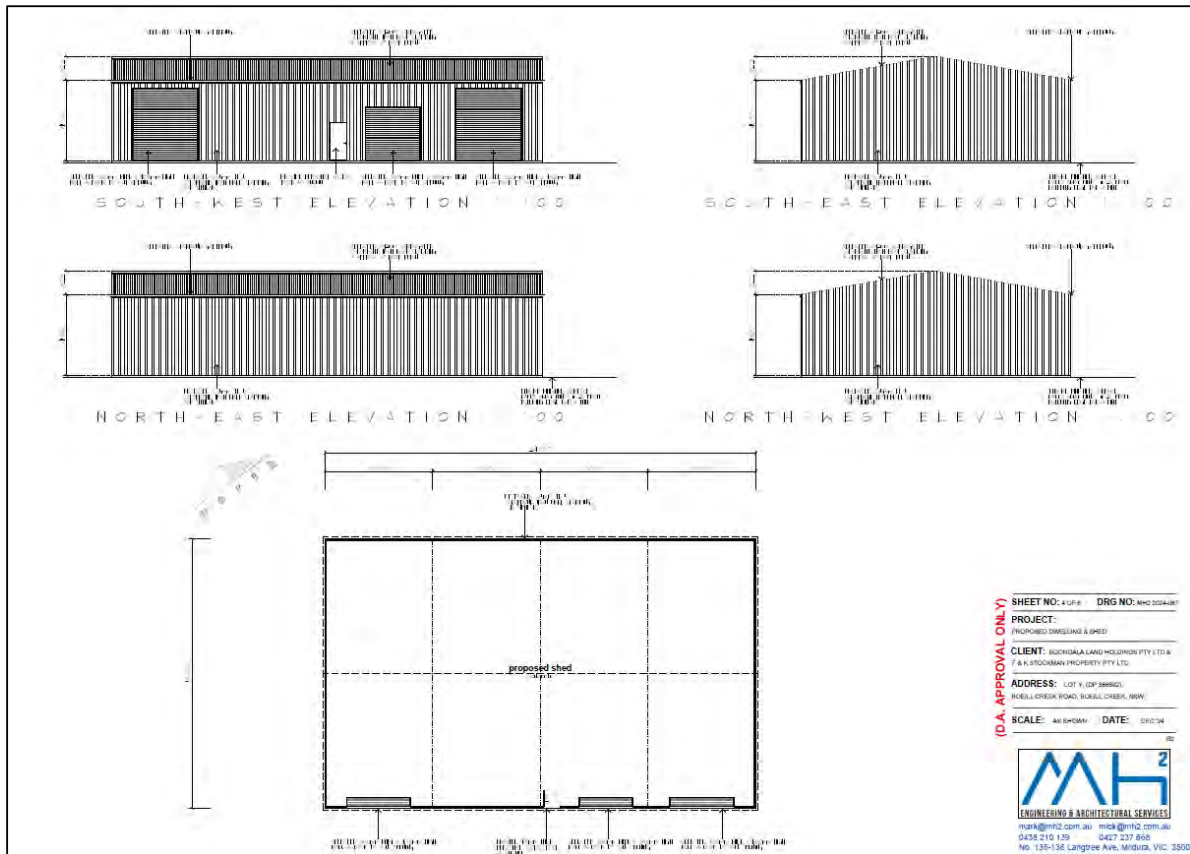


Figure 6: The proposed shed's floor plan and elevations

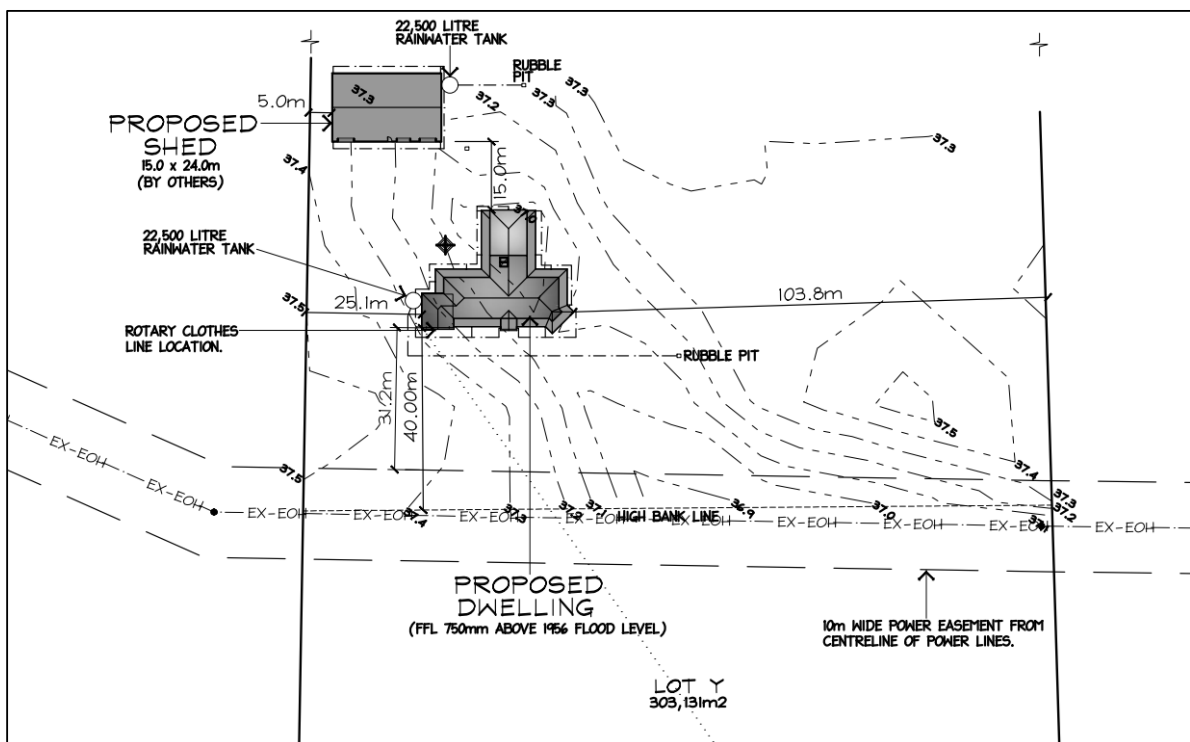


Figure 7: The proposed location of the dwelling house and shed.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

19 February 2025	The development application was lodged with Council. A first request for additional information letter was submitted to the applicant, requesting the following: - An assessment of the Five Part Test (Wehbe v Pittwater Council [2007] NSWLEC 827), - Assessment against Chapter 5 of the Biodiversity and Conservation SEPP 2021, - Assessment against the following clauses of the WLEP 2011: 5.16, 5.21, 7.1, 7.2, 7.4, 7.5, - How stormwater will be managed (note – no stormwater discharge is allowed to the river), - If any rainwater tanks are proposed or required, - Setback of the dwelling from the high bank of the river. The RFI was due on 21 April 2025.
24 February 2025	A second RFI was issued seeking confirmation about the pollution impacts in relation to clause 4.6 of the SEPP (Hazards and Resilience) 2021.
28 February 2025	The development application was placed on 14 days public exhibition until 14 March 2025 .
27 March 2025	Response to request for additional information received: A copy of EPA NSW - Clean Up Notice dated 8 Nov 2025 is attached, together with letter also from EPA NSW dated 27 March 2025 confirming the owner has complied in-full of the Clean-Up Notice.
17 April 2025	Updated drawings including rainwater tanks and the setback from the high bank line, answering part of the first RFI, were provided dated 19 February 2025 .
30 April 2025	Supporting document was provided in response to the first RFI dated 19 February 2025, namely: • Clause 4.6 exception request relating to clause 4.2B of the WLEP; • Assessment against Chapter 5 River Murray Lands in the SEPP (Biodiversity and conservation) 2021; • Further information in relation to clauses 5.16, 5.21 and 7.1-7.5 of WLEP.
13 June 2025	A third request for additional information letter was submitted to the applicant, requesting the following: 1. To assist Council in the assessment of this application, a FIRA (Flood Impact and Risk Assessment) completed by a professional engineer with experience and advanced skills in catchment hydrology, floodplain hydraulics and working knowledge of FRM (flood risk management) and guidance in NSW. Council cannot progress this application further

	without such as per discussion with DCCEEW and supported through the many Flood Management Manuals adopted and endorsed by the NSW Government. 2. The RFI was due on 12 August 2025.
13 August 2025	A two-month extension was requested by the applicant. The required documents (FIRA) listed in the third RFI were not provided. Applicant was waiting for Council's flood study data/input to provide the flood study.
13 August 2025	First extension: Council granted the 60 days extension with a new due date being 13 October 2025 .
09 October 2025	A two-month extension was requested by the applicant. The required documents (FIRA) listed in the third RFI were not provided. Applicant was waiting for Council's flood study data/input to provide the flood study.
10 October 2025	Second extension: Council granted the two-month extension with a new due date being 8 December 2025 . The required documents (FIRA) listed were not provided.
04 December 2025	A three-month extension was requested by the applicant. The required documents (FIRA) outlined in the third request for additional information letter were still outstanding.
10 February 2026	Third extension: The extension of time to provide the FIRA, was granted with a new due date for its provision, being on 4 March 2026 .
26 March 2026	A fourth request for additional information letter was submitted to the applicant, requesting the following: • A FIRA (Flood Impact and Risk Assessment) is required that the site is located in flood affected area. • A preliminary site investigation is required as the site had previously been used for waste storage. • The RFI was due on 26 April 2026.
14 April 2026	A two-month extension was requested by the applicant with a new proposed due date being on 14 June 2026 . The required documents (FIRA) were still not provided.
16 April 2026	Fourth extension: The fourth extension for the FIRA provision under the third RFI, and the first extension for the preliminary site investigation (sought under the fourth RFI dated 26 March 2026) was granted, requiring a response by 29 May 2026. No response was received.

26 June 2026	The applicant advised that they are in discussions with WSC / lawyers and seek a further 90 day extension
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Despite various extensions of time, the applicant has not provided any required documents listed under the third and fourth RFIs issued on **13 June 2025** and **26 March 2026**.

A total of four extensions were granted in response to multiple requests over the past twelve months. However, the applicant has failed to provide the required FIRA and a preliminary site investigation, both required to enable the consent authority to grant approval. The relevant environmental planning instrument requirements have not been met, and insufficient information provided. The consent authority must not grant approval to the proposed development when the relevant jurisdictional requirements are not met. This forms a recommended reason for refusal.

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 site is in the RU1 zone, and the chapter does not apply.

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 has an area of 30.71 hectares, and the same ownership owns the adjacent Lot X in DP388592 (an area of 30.75 Hectares) and its adjacent Lot 1 in DP 386033 of 22.07 Hectares. The total lot area is therefore 85.53 Hectares.

The application does not include any tree removal, and it is therefore considered that there is nothing within Chapter 3 which would prevent the grant of development consent.

Chapter 5 River Murray lands

The first RFI requested assessment against Chapter 5 of the SEPP (Biodiversity and Conservation) 2021, which was provided on 30 April 2025. This chapter applies to the application.

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.

Part 5.2 of the SEPP requires 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.

Clause 5.9 of the SEPP requires consideration of specific principles, including of flooding and wetlands and settlements. In the Applicant's response to Chapter 5 provided on 30 April 2025, there was no consideration of the principles in section 5.9, merely section 5.13 regarding setbacks.

The relevant aspects for consideration under section 5.9 include:

Flooding

Where land is subject to inundation by floodwater—

- (a) *the benefits to riverine ecosystems of periodic flooding,*
- (b) *the hazard risks involved in developing that land,*
- (c) *the redistributive effect of the proposed development on floodwater,*
- (d) *the availability of other suitable land in the locality not liable to flooding,*
- (e) *the availability of flood free access for essential facilities and services,*
- (f) *the pollution threat represented by any development in the event of a flood,*
- (g) *the cumulative effect of the proposed development on the behaviour of floodwater,*
and
- (h) *the cost of providing emergency services and replacing infrastructure in the event of a flood.*

The application includes very poor information or consideration of hazard risks involved in developing the land and the availability of a flood free access for essential facilities and services. The whole of the lot is within the flood planning area. No details about the extent of any fill on the land are provided, other than that the FFL of the dwelling is to be 750mm above the 1956 flood level. The proposal is therefore unclear as to the redistributive effect of the proposed development on floodwater and the cumulative effect of such filling.

Settlement

New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located—

- (a) *on flood free land,*
- (b) *close to existing services and facilities, and*
- (c) *on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.*

The proposed dwelling and shed are not on flood free land, and are not close to existing services and facilities. Given that the land does not appear to have been cropped or used for pasture, it is not considered that the settlement would compromise the potential of the land.

Wetlands

The development is partly affected by wetland mapping. The application is satisfactory regarding the matters for consideration in the SEPP for wetlands.

Section 5.13 – Building Setbacks Special Provisions

Section 5.13 was considered by the Applicant in its response on 30 April 2025 and is required for consideration when the consent authority determines a development application. It requires all buildings to be set well back from the bank of the River Murray. The matters for consideration are:

- (a) **Effluent disposal:** The section notes that it is generally unsuitable to locate septic tanks on flood liable land and requires any of these to be located as far as possible from the River Murray. It preferences package sewage treatment plants or dry toilet systems with excess stormwater (where possible) being disposed of on-site away from any septic absorption area.
- (b) **Landscaping:** reducing visual impact in the riverine environment by planting appropriate vegetation species

The applicant's response is that the building is set back 40m from the high bank line and the objectives are achieved by use of stormwater retention and drainage measures such as tanks and rubble pits, constructing the dwelling FFL at 750mm above the 1956 flood level and that the scenic landscape will be unaffected. The response indicates a land capability assessment can be completed to determine suitability and type of effluent disposal system to be used and that stormwater retention tanks are to be constructed. The response also indicates that existing vegetation will not be removed, and native vegetation is to be planted to reduce the visual impact and reduce soil runoff in the event of rain.

Comment:

No land capability assessment is provided (as is required by section 5.3.5 of Chapter 5 of the DCP). The applicant has proposed a septic system and indicates stormwater overflow to rubble pits from both the dwelling and the shed. That is not consistent with the considerations in section 5.13 and insufficient information has been provided by a lack of a land capability assessment.

No details on the proposed landscaping are provided in the development application plans, although it is recognised that the dwelling and shed are at such a distance from the River Murray channel that the visual impact is unlikely to be significant.

In conclusion regarding Chapter 5 River Murray Lands of the SEPP (Biodiversity and Conservation) 2021:

- The application provided no comment on the planning principles in section 5.9
- Insufficient information is provided regarding the flooding aspects of the planning principles
- The proposed settlement is inconsistent with two of the three location requirements for settlements – including being on flood free land
- Effluent and stormwater disposal has not been properly considered, and no land capability assessment has been provided.
- The landscaping which is mentioned as providing visual relief is not included in the plans.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate (Certificate number: 1781727S, Date of issue: Friday, 31 January 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 (TRANSPORT AND INFRASTRUCTURE) 2021

2.48 Determination of development application – other development

The application was referred to Essential Energy as it is located near electrical infrastructure. Accordingly, Section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 applies.

Comments were received from Essential Energy:

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- *As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the centre line of the 22kv to the nearest part of the development (measured horizontally) is required to ensure that there is no safety risk.*
- *It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.*

Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: <https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energys-efficient/understand-your-energy-bill/altering-supply> Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- *If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- *Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*

- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.
Should you require any clarification, please do not hesitate to contact us.

An assessment of the proposal against Section 2.48 under SEPP Infrastructure is summarised below:

Clause – 2.48 Determination of development application – other development	Proposal	Compliance/ Comment
(2) (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and	The proposal is now indicated to be 31.2m from the southwest edge of the transmission easement	Yes – this exceeds the minimum 10m required by Essential Energy
(2) (b) take into consideration any response to the notice that is received within 21 days after the notice is given.		Noted

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land under the SEPP (Resilience and Hazards) 2021 applies to the land and, pursuant to Section 4.15 of the EP&A Act 1979, is a relevant consideration.

History:

A review of the available history for the site indicates that the land was associated with a pollution incident, being the illegal burying of waste. The waste allegedly included general rubbish, assorted car parts, truck tyres, pesticides and oil drums and an asbestos structure that was demolished on the site.

The Environment Protection Authority (EPA) issued a Clean-up Notice in relation to the alleged illegal burying of waste at the Premises on 08 November 2024. The EPA had confirmed that the applicant has complied with the directions of Clean-up Notice 3510776 on 27 March 2025 and the applicant provided a copy of that. The EPA generally required evidence of removal of waste, refilling with excavated natural material, and transfer of the waste to a facility which could lawfully accept it. The EPA did not require a preliminary site assessment to ensure the site was no longer contaminated, nor did it require consideration of whether any further remediation would be required for any change of use.

Planner's Comment:

The applicant has not provided with any test data sourced from the incident site to indicate whether the site is suitable (or will be suitable after remediation) for the purpose of residential development.

In the fourth RFI, Council required the applicant to provide a preliminary site investigation for the purposes of meeting the jurisdictional requirement under Chapter 4 of the SEPP. The applicant failed to provide such document and no response was received after the due date being 29 May 2026.

Insufficient information is provided to enable the consent authority to properly understand whether the proposed development is affected by the potential contamination, or whether the site is suitable for the proposed residential use. The requirements of the chapter are not considered to be satisfied, which is a jurisdictional requirement for consent authority, and this forms a recommended reason for refusal.

The EPA Clean-up Notice can be found in [Record DOC/25/7195: DA2025/027 EPA Compliance MH2 ENGINEERING & ARCHITECTURAL SERVICES PTY LTD / BOONGALA LAND HOLDINGS PTY LTD & F & K STOCKMAN PROPERTY PTY LTD Dwelling with garage and storage shed Boeill Creek Road Lot Y DP 388592 Boeill Creek](#)

WENTWORTH LOCAL ENVIRONMENTAL PLAN (WLEP) 2011

The development site is subject to WLEP 2011.

Part 2 – Permitted or Prohibited Development

The site is zoned RU1 – Primary Production, where the proposed dwelling house, shed and rainwater tank is permissible with consent. The relevant zone objectives are below:

Objectives of zone:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

The proposal does not promote primary industry production, encourage its diversity, or promote economic and employment opportunities in agriculture, horticulture and tourism, because the application acknowledges that no primary production appears to have been carried out on the site.

The proposed new dwelling house is unlikely to conflict with land uses within this zone. The application is therefore largely inconsistent with the objectives of the zone.

Part 4 – Principal Development Standards

Applicable WLEP 2011	Development Standard	Proposal	Compliance
4.2B Erection of dwelling houses in zone RU1, RU4, R5, C3, C4	(2) This clause applies to land in the following zones— (a) Zone RU1 Primary Production, (aa) Zone RU4 Primary Production Small Lots, (ab) Zone R5 Large Lot Residential, (b) Zone C3 Environmental Management, (c) Zone C4 Environmental Living.	The site is zoned as RU 1 Primary Production.	Yes, Clause 4.2B applies.
	(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 lot size is 30.71ha, which does not meet the minimum lot size of 10,000 hectares specified for the subject site by the Lot Size Map under Wentworth LEP 2011. However, the lot was registered after 22 January 1954 prior to Wentworth LEP 2011. The site was zoned as 1(a) specified for the subject site prior the Wentworth LEP map 1993 map 2 and erected of a dwelling house was permitted with consent.	(a) No, the site does not have the lot size that is at least the minimum lot size specified for that land by the lot size map. (b) Yes, erection of a dwelling house is permitted with consent, and a Clause 4.6 is not required for this application.
	(4) Subclause (3) does not apply if—	The site does not contain any erected dwelling house, and the purpose of this application is to construct a	NA

Applicable WLEP 2011	Development Standard	Proposal	Compliance
	(a) there is a lawfully erected dwelling house on the land, and (b) the dwelling house to be erected is intended only to replace the existing dwelling house.	new dwelling house, shed and rainwater tank.	

The Deposited Plan DP388592 was registered after 22 January 1954. The lot was created under an environmental planning instrument – either Interim Development Order No 1 – Shire of Wentworth, or the Town and Country General Ordinance. Therefore, the lot was created before the WLEP 2011 commenced.

Under the available maps for Wentworth LEP 1993, the zoning was 1 (a). In the following zones dwelling houses were permissible, that some zones had minimum lot sizes for dwelling houses. However, they remained permissible:

- 1(a) (General Rural Zone)
- 1(c) (Rural Small Holdings Zone)
- 1(d) (Future Urban Zone)
- 2(v) (Village or Urban Zone)
- 4(a) (General Industrial) – but only if it was in conjunction with industries
- 4(b) (Light Industrial Zone)
- 6(a) (Open Space Zone) – but only if the dwelling house was ancillary to permitted uses

It appears that section 4.2B(3) is not an impediment to the grant of consent due to the lot being created prior to 2011 and on which dwelling houses were permissible. The proposal meets the requirement of Clause 4.2B (b) of the WLEP 2011, therefore, clause 4.6 request is not required.

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 5.16 - Subdivision or dwellings on land in certain rural, residential or conservation zones

This clause applies in zones RU1, RU2, RU3, RU4, RU6, R5, C2, C3 and C4 where there is subdivision of land proposed to be used for the purposes of a dwelling, or the erection of a dwelling is proposed. The matters in s 5.21(4) must be taken into account, being:

- (a) *the existing uses and approved uses of land in the vicinity of the development,*
- (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The proposal is considered acceptable in relation to the matters set out in clause 5.16(4) because:

- The current use of the land in the vicinity is for rural primary production, although the land and surrounding area has been largely undeveloped. Rural residential land is at the adjacent Lot 1 DP1217509 and on Lot 2 DP815738 to the east of the site.
- The proposed development is unlikely to have a significant impact on land uses that are likely to be preferred in the vicinity,
- The proposed development is compatible with the existing land use,
- No measures have been proposed by the applicant to avoid any incompatibility.

Clause 5.21 - Flood Planning

The site has been identified as being at or below the 1% AEP flood planning level. Council is required to consider the proposed development whether is compatible with the flood function of the land, will not result in significant adverse effects on flood behaviour or the environment, and any appropriate measures can manage risk to life in the event of a flood.

The first RFI requested assessment against clause 5.21 of the LEP, which was provided on 30 April 2025. Subsections 5.21(2) and (3) require the consent authority to be satisfied of a number of matters in (2) and consider the matters in (3):

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The applicant's response indicated that:

- The dwelling will be constructed above the high bank
- Design features which can be incorporated to manage risk to life include FFL of habitable rooms above flood heights and non-habitable rooms no more than allowable below the defined flood levels
- Footings to provide support to prevent flotation, collapse or significant movement from flood actions
- Geotechnical considerations to account for instability and any decrease in structural integrity
- Structural supports (piers, posts, columns and piles) used to elevate the buildings taking into account erosion and debris action
- Use of fill to support the footing system
- Egress being available to be rescued or to leave safely
- They would use planting of vegetation as a flood mitigation measure (presumably although poorly stated), that location of the development will promote bank stability

The response to the matters raised by clause 5.21 is not considered satisfactory because:

- None of the proposed mitigation measures or management measures (including the structural support and landscaping) are actually included in the proposed plans
- There is no analysis of the flood function of the land
- No flood evacuation procedure has been provided to manage risk to life
- Insufficient details are provided as to how erosion and siltation will be managed

In the third RFI, the applicant was requested to provide the Flood Impact and Risk Assessment (FIRA) and it was still not received after the final due date of 29 May 2026. Insufficient information is provided to enable the consent authority to properly understand whether the proposed work will be affected by any flooding events.

No appropriate measures are provided to demonstrate how the flooding risk will be managed in the event of a flood. The consent authority cannot therefore be satisfied that the development is compatible with the flood function and behaviour of the land, and that appropriate measures to manage risk to life in the event of a flood are included. Insufficient information has been provided. The requirements of the clause are not considered to be satisfied, which is a jurisdictional requirement for consent authority, and this forms a recommended reason for refusal.

Part 6 Urban Release Areas

The site is not mapped as an urban release area. Accordingly, Clause 6.2 of WLEP 2011 is not applicable to this application.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

The proposal appears to involve earthworks for the provision of a dwelling and ancillary works, although no details are provided, other than that the finished surface is to fall away at a minimum 1:20 from the building paved edge for a minimum of 2.0m (see sheet 3 of 6), or alternatively 1:40 for at least 1m (see sheet 5 of 6). The proposed works are unlikely to disrupt or affect 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, 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 applies to zones RU5 Village, R5 Large Lot Residential, E3 Productivity Support, and E4 General Industrial. The site is not in any of these zones and the clause does not apply.

Clause 7.4 Terrestrial Biodiversity

The proposal is located within the area identified as “Terrestrial Biodiversity” on the Natural Resource—Terrestrial Biodiversity Map. Assessment against Clause 7.4(3) indicates the proposal:

- a. is unlikely to have adverse impacts on the condition, ecological value and significance of the fauna and flora on the land. No vegetation clearing will be conducted as part of the construction of the driveway.
- b. is unlikely to have adverse impacts on the importance of the vegetation on the land to the habitat and survival of native fauna.
- c. is unlikely to have any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land.
- d. is unlikely to have adverse impacts on the habitat elements providing connectivity on the land.

An assessment of the proposed development against clause 7.4(4) is as follows:

- a. The development is sited some distance from the river/ flora and fauna habitat. Conditions of consent will manage environmental impacts if approval is granted.
- b. The risks are able to be mitigated through the application of conditions of consent for the development on the site, if approval is granted.
- c. Noted, further information is required to ensure the Terrestrial Biodiversity areas are not impacted by sewage and stormwater disposal.

Clause 7.5 Wetland

The proposal is located within the area identified as “Wetlands” on the Natural Resource—Wetlands Map. Assessment against Clause 7.5(3) is as follows:

- a. The proposal will not affect growth and survival of flora and fauna.
- b. No vegetation to be removed a part of the construction.
- c. No native vegetation to be removed.
- d. No anticipated impacts from the driveway development.
- e. The development location is located in a wetland mapped area. However, the land has been historically disturbed.

An assessment of the proposed development against clause 7.5(4) is as follows:

- a) The location on site of the development is appropriate in respect of the wetland provisions. Subject to adequate arrangements and provision for sewage and stormwater disposal, the development is not anticipated to cause adverse impacts.
- b) Noted, further information is required to ensure the wetland areas are not impacted by sewage and stormwater disposal.

Clauses 7.6 – Development on river front areas

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, none of which include for construction of a dwelling house. If the development does fall within those purposes listed in 7.6(2), the consent authority must be satisfied of various other matters set out in clause 7.6(3).

The proposed development is approximately 182.8m away from the boundary with the Murray River and approximately 40m away from the high bank line. Accordingly, the proposed development is outside the riverfront area and clause 7.6 does not apply.

Clause 7.7 - Riparian land and Murray River and other watercourses

Clause 7.7 relevantly applies to land identified as watercourse on the Natural Resource – Watercourse map and land within 40 metres of the top of bank of such identified watercourse. The site is identified in the watercourse map. The proposed development is approximately 40m away from the top of bank and the clause therefore does not apply.

(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,

Wentworth Shire Development Control Plan (WSDCP) 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 to the Murray River or Darling River	RU1 Primary Production – 100m	The proposed development is setback 182.8m away from the boundary.	Yes
2.1 Buffer corridor	All properties – 40m	The proposed development is setback 182.8m away from the boundary.	Yes

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 satisfactory.

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.

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. No vegetation removal is proposed, and the provisions are considered satisfactory.

4 Flood Affected Land

The site is affected by flooding and has been considered under section 5.21 of the WLEP 2011. The WDCP defines the flood planning level and land at or below a 1% AEP flood level plus 750mm freeboard.

In the third RFI, the applicant was requested to provide the Flood Impact and Risk Assessment (FIRA). No response was received by the extended due date of 29 May 2026. Insufficient information

is provided to enable the consent authority to properly understand whether the proposed work will be affected by any flooding events. No appropriate measures were provided to demonstrate how the flooding risk will be managed in the event of a flood.

Further, the provisions seek to ensure that untreated sewage and sullage is not deposited into the river or natural watercourse and that treated effluent is discharged to ground disposal well clear of any riverbank. The DCP recommends a small package treatment plant where there is no sewage system, reuse of treated effluent, and overflows from rainwater tanks to be directed away from the river. The SEE indicates that an underground effluent disposal system would be installed, with stormwater to drain to the river. However, the applicant has not provided any plans to detail the underground effluent disposal system. Insufficient information is provided to enable the consent authority to properly understand how the underground effluent disposal system would operate and will not have an adverse impact to the environment.

The provisions require the minimising of cut and fill and directions on earthworks mounds. The proposal has not proposed any pier and beam construction or suspended reinforced concrete slabs to allow floodwaters to flow under the building.

Overall, those requirement of the WSDCP 2011 is not considered to be satisfied, and this forms a recommended reason for refusal.

5 Vehicular Access and Parking

The proposed development includes two car spaces which satisfies the relevant controls of section 5.2 of the WSDCP 2011. No vehicular access is proposed in this application.

6 Crime prevention through environmental design

The proposed development satisfies the relevant objectives and controls of the WSDCP 2011. 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 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.	The proposed garage width is 6.5m.	Yes

Applicable WDCP 2011 controls	Development standards			Development proposal	Compliance/ Comment
4.1.3 Front setback	Type of development	RU5	R5	The front setback is not applicable to the site zoned RU 1 Primary Production.	NA
	Single-storey building	6m	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.			The proposed development is located more than 500m to the front boundary.	
4.1.4 Side setback and corner lot setbacks	Type of development	Controls		Dwelling house Northwest side setback = 25.1m Southeast side setback = 103.8m Shed Northwest side setback=5m Southeast = more than 100m	Yes
	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		182.8m	Yes
	Single-storey building	3m (minimum)			
	Note: Balconies with 1.7m obscure screening for balcony allowed in setback				
4.1.6 Walls on boundaries	Where a new wall is constructed on or within 150mm of a side or rear boundary or a carport is within 1m of a side or rear boundary, it should not abut the boundary for a length of: Max length = 10m + 25% of the remaining boundary length New wall height on or within 150mm of the boundary or a			The proposal does not include any retaining wall or wall is constructed on or within 150mm of a side or rear boundary.	NA

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	carport within 1 metre of the boundary: Average height: $\leq 3\text{m}$ Maximum height: $\leq 3.6\text{m}$ 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.	Single storey dwelling house is proposed.	NA
4.1.8 Site coverage	60% (for single dwelling houses and dual occupancies)	Dwelling 257.50sqm Garage 50.92sqm Shed 360sqm Total 668.42sqm or 0.002%	Yes
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.	Area of 82sqm private open space is proposed.	Yes
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.	Achieved	Yes
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	No existing dwelling presents on site.	NA

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	room to be set back 50% of the height of the new wall		
4.1.12 North-facing windows	If a north-facing habitable room window is within 3m of a 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.	Achieved	Yes
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:	Achieved	Yes

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- Facing a 1.8m high visual barrier, and - Floor level is < 0.8m above ground at the boundary		
4.1.14 Fencing and retaining walls	Front fence = 1.5. (main road) Or 1.2m (other street)	No front fence or retaining wall are proposed.	NA
4.1.15 Car parking and vehicle access	Dwelling house = 1 space per dwelling 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	Two car parking spaces are proposed.	Yes
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. Batters must not exceed a 1:2 slope unless site stability is confirmed. Stormwater runoff must not impact neighbouring properties.	No details were provided.	Unclear

Chapter 5 – Rural Development Controls

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
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) - 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.	Living areas are located facing north. Front setback exceeds 50m. Other siting issues suitable	Yes
5.3. b) Access	All dwellings must have legal, properly constructed access via a public road.	No access exists and none is set out in the proposed plans	No
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	2 tanks each of 22,500L are proposed	No - could be conditioned
5.3.2 Effluent disposal	Each allotment must have adequate space for a sewage management facility. Recommended Buffer Distances (from EMA):	Adequate space is available. The 100m setback from the River Murray channel is provided,	No – insufficient information

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- 100m from River Murray, rivers, creeks, perennial watercourses - 100m from intermittent watercourses - 40m from drainage depressions - 250m from licensed bores Wastewater management assessment report is required.	but not from the top of bank. Insufficient details are provided. No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system.	
5.3.3 Fencing	<1.2m	None proposed	NA
5.3.4 dwelling setbacks from river	As per WLEP 2011. – generally 100m setback to the river	More than 100m from the channel, but not from the high bank of the river. Note that the LEP has provisions seeking to prevent development such as dwelling houses within 30m of the top of bank.	No, however it complies with clause 7.6 and 7.7 of the LEP being 40m from the top of bank.
5.3.5 Land Capability	A land capability assessment to show that the land can support the proposed agricultural use	Not provided.	No
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.	Can be conditioned. No amenities proposed in the shed	Can be conditioned if the application is approval.

(iia) 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.

(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 environmental impacts have been assessed in detail above as summarised in the table below. The proposal is considered not to exclude the possible impact on the natural and built environment.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	x			The proposed development is in keeping with other developments being constructed in the locality.
Public domain & Streetscape	x			The proposed dwelling and storage shed will not be visible from the street due to distance. They are also a considerable distance from the River Murray
Landscaping		x		Landscaping is stated to form part of this application, for flood mitigation and visual impact, however no details are provided
Stormwater		x		Insufficient details are provided to demonstrate that stormwater will be acceptable given proximity to wetlands and the River Murray.
Heritage			x	There are no heritage items on site or within the surrounds.
Soils & Soils Erosion	x			Soil management could be conditioned as part of consent if approved.
Air and microclimate	x			No effect from proposed development anticipated.
Water Resources	x			Distance between waterway and proposed development complies with WLEP 2011.
Biodiversity (Flora & Fauna)	x			No clearing of vegetation to occur. The site has been historically disturbed – remnant vegetation existing but not significant.
Land Resources	x			None located on the site expected to impact the proposed development.
Utilities		x		Insufficient information provided as to connection to services, including sewage management
Access & Parking		x		Adequate parking availability on site. No access is proposed in the development

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Roads & Traffic			x	No new roads proposed, traffic increase only anticipated during construction.
Solar Access and Energy Efficiency	x			Basix and NatHERS included with application
Overshadowing			x	N/A as single storey dwelling.
Privacy & Overlooking			x	N/A as single storey dwelling.
Flooding		x		Site is impacted significantly by flooding. No FIRA was provided.
Bushfire Prone Area			x	Not in bushfire prone land
Noise	x			Noise will be minimal during construction however; hours of work will be conditioned to reduce any potential impacts if approved
Technological hazards			x	None anticipated from the development.
Safety, Security & Crime Prevention	x			Development not anticipated to adversely affect safety or security in the area if approved.
Social and Economic Impacts	x			There are no social or economic impacts anticipated from the development if approved.

(c) the suitability of the site for the development,

The site is considered not suitable for a residential use without further information satisfying the consent authority that:

- the site is suitable for use in its current state for residential development, due to known contamination of the site; and
- insufficient information as to the flooding risk amelioration and method by which the development will be elevated above the flood planning area.

(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 conflicts with the public interest and is likely to set an undesirable precedent. The public interest is served through the consistent application of planning controls, which promotes certainty and fairness.

Insufficient planning merits are provided to justify breaches of the planning controls in this application. The proposal is not consistent with what is anticipated by the planning controls and can therefore be considered not in the public interest.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	Y	As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the centre line of the 22kv to the nearest part of the development (measured horizontally) is required to ensure that there is no safety risk. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or C EOP8041 - Work Near Essential Energy's Underground Assets. Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply Applicants are advised that fees and charges will apply where Essential Energy provides this service. Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. Essential Energy makes the following general comments: - If the proposed development changes, there may be potential

Department	Referred Y/N	Comments
		safety risks, and it is recommended that Essential Energy is consulted for further comment; - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; -Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure; - Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.
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	Y	Include Performance bond conditions (Subdivision only) Include Contributions Plan Include Service Plans 1 & 2 (Subdivisions Only)
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
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, it is considered that DA 2025/027 should be refused, subject to the reasons below.

1. Refusal Reason – Environmental Planning Instruments

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply (nor provide compelling merit to justify the breach) with the relevant environmental planning instruments in terms of the following:

- (a) The proposal fails to satisfy the Objectives in Section 4.1 and has not provided the preliminary site investigation required by Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4.
- (b) The proposal fails to provide adequate information to enable the consent authority to properly consider the matters it is required to consider in Section 4.6(3) of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, to ensure the land is suitable for residential use.
- (c) The proposal fails to provide sufficient information to inform the consent authority regarding the planning principles and sewage and stormwater disposal to satisfy the requirements of section 5.7- 5.9 and 5.13 of Chapter 5 River Murray Lands in SEPP (Biodiversity and Conservation) 2021.
- (d) The proposal is largely inconsistent with the objectives of the RU1 Primary Production zone in Wentworth Local Environmental Plan 2011, noting that it appears that no primary production has occurred or is proposed on the site.
- (e) The proposal fails to satisfy the objectives of Clause 5.21 – Flood Planning of the Wentworth Local Environmental Plan 2011, to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (f) The proposal fails to satisfy the requirements of Clause 5.21(2) – Flood Planning of the Wentworth Local Environmental Plan 2011, to incorporate appropriate measures to manage risk to life in the event of a flood.
- (g) The proposal fails to provide adequate information to enable the consent authority to form the required satisfaction under Clause 5.21 – Flood Planning of the Wentworth Local Environmental Plan 2011. It is unclear whether the proposed dwelling enables the safe occupation and efficient evacuation of people in the event of a flood.
- (h) The proposal fails to provide adequate information to enable the consent authority to form the required satisfaction under clause 7.5 Wetlands of the Wentworth Local Environmental Plan 2011. It is unclear that sewage and stormwater disposal has been adequately

considered to manage and avoid potential adverse impacts or what mitigations measures and minimising of impacts is proposed.

2. Refusal Reason – Development Control Plan

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply (nor provide compelling merit to justify non-compliance with) the following sections of the Wentworth Shire Development Control Plan (WSDCP) 2011:

- a) The proposal fails to take consideration of the safe occupation and efficient evacuation of people in the event of a flood under Chapter 3 Section 4 of the WSDCP 2011.
- b) No land capability assessment has been provided as required under section 5.3.5 of the WSDCP 2011.
- c) No wastewater management assessment is provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system as required by section 5.3.2 of Chapter 5 of the WSDCP 2011.
- d) No legal point of access has been indicated and no driveway or access point proposed for the proposed dwelling, as is required by section 5.3(b) of Chapter 5 of the WSDCP 2011.

3. Refusal Reason – Suitability of Site

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the location within the site is considered not suitable for the proposed development given the likelihood of a flood affecting the site and the lack of access to an escape route during the course of a flood.

4. Refusal Reason – Public Interest

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest for the following reasons:

- (a) The proposal is for a residential dwelling and shed on land which is heavily impacted by flooding and from which no safe evacuation opportunities have been identified by the applicant.
- (b) The application does not provide satisfactory information regarding sewage and stormwater disposal.
- (c) The application has not demonstrated that the site will be suitable for use as a residential dwelling taking into account previous known contamination.

5. Refusal Reason – Insufficient Information

- a) A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood.
- b) A preliminary site investigation is required as the site had previously been used for illegal waste storage and the application has not provided sufficient information for the consent authority to be satisfied of the requirements in Chapter 4 of the SEPP (Resilience and Hazards) 2021.
- c) No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system.

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Rosalind Read Planning Officer	
Date: 3 July 2026	Date:

9.18 DA2025/029 DWELLING WITH GARAGE AND STORAGE SHED 529A BOEILL CREEK ROAD LOT 1 DP 386033 BOEILL CREEK

File Number: RPT/26/422

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 (DA2025/029) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at 529A Boeill Creed Road Lot 1 DP 386033 Boeill Creek.

Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent if requirements under section 4.15 of the *Environmental Planning and Assessment Act 1979* are met.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

This development application was one of the applications identified by the NSW Department of Planning Housing and Infrastructure as being active for over 180 days, which does not comply with the Ministerial expectations.

Jurisdictional preconditions are requirements, imposed by planning legislation, that must be satisfied before Council can approve any development application. There are examples of cases decided by the Land and Environment Court, where development approval by Council were determined to be invalid because not all jurisdictional preconditions were satisfied.

The applicant has not provided sufficient information to satisfy the jurisdictional preconditions to approve the development application as follows:

- For land associated with a pollution event (known to be contaminated), 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).

- A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood (compliance with clause 5.21 of the WLEP 2011)
- No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*)

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

- The application is recommended for refusal

Recommendation

That Council:

1. Refuse DA2025/029 for a dwelling with garage and storage shed at 529A Boeill Creed Road Lot 1 DP 386033 Boeill Creek subject to reasons.
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 DA2025/029, having consideration to the details provided both within this report and the attachments provided.

Background

A development application (DA2025/029) was lodged with Council on 18 February 2026 for a dwelling with garage and storage shed at 529A Boeill Creed Road Lot 1 DP 386033 Boeill Creek. Under the RU1 Primary Production zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling house with garage and ancillary storage shed) is permitted with consent.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed development is permitted with consent under the RU1 Primary Production zoning of WLEP 2011.

Chapter 4 of the R&H SEPP applies to the land and, pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, is a relevant consideration. The site had a pollution event where a cleanup notice was issued by the Environment Protection Authority (EPA) and involves change of use from historical agricultural/horticultural uses to residential uses. Under Chapter 4 section 4.6(2) of the R&H SEPP, if the land is specified in subsection 4.6(4) the consent authority must consider a preliminary site investigation.

A preliminary site investigation was requested on 26 March 2026 and has not been provided. Chapter 4 of the R&H SEPP is a mandatory consideration which, if not complied with, prevents Council having the legal authority to issuing a development consent. As no

preliminary site investigation has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

The site has been identified as being at or below the 1% AEP flood planning level as per the Wentworth Shire Council adopted flood study. Clause 5.21 of WLEP 2011 requires Council to consider the proposed development whether is compatible with the flood function of the land, will not result in significant adverse effects on flood behavior or the environment, and any appropriate measures can manage risk to life in the event of a flood.

Additional information was requested from the applicant on 13 June 2025, for a Flood Impact and Risk Assessment (FIRA). Four (4) extensions were provided to the applicant, and no FIRA has been provided. As no FIRA has been provided with the application, the application must be refused as Council do not have the jurisdiction to approve it.

No wastewater management assessment supported by a land capability assessment report was provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system (compliance with Chapter 5, section 5.7-5.9 and 5.13 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*).

In summary, the development application in its current form does not comply with matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*. This includes not complying with jurisdictional matters which **do not** give Council the jurisdictional power to grant consent to the development application.

Refer to attachment 4 – Section 4.15 Assessment report

Refer to attachment 5 – Agency response

Options

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

1. Refuse DA2025/029 for a dwelling with garage and storage shed at 529A Boeill Creed Road Lot 1 DP 386033 Boeill Creek subject to the following reason:
 - a. Jurisdictional matters under the *State Environmental Planning Policy (Resilience and Hazards) 2021* were not met as no Preliminary Site Investigation was provided
 - b. Jurisdictional matters under clause 5.21 of the *Wentworth Local Environmental Plan 2011* were not met as no Flood Impact and Risk Assessment report was provided
 - c. Jurisdictional matters under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* were not met as no sewage disposal details with land capability assessment was provided
 - d. Does not satisfy requirements of the Wentworth Development Control Plan 2011

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*.

Should Council issue an approval for the application, anyone can challenge the validity of the consent or remedy a breach to the planning act under section 4.59 and 9.45 respectively 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 refuse to issue development approval subject to reasons.

Attachments

1. Development application (under separate cover) [⇒](#)
2. Statement of Environmental Effects [↓](#)
3. Plans (Under separate cover) [⇒](#)
4. S4.55 Assessment report [↓](#)
5. Agency response (under separate cover) [⇒](#)

	Health & Planning Department 26-28 Adelaide Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au	Statement of Environmental Effects Attachment C to the Development Application <i>made under the Environmental Planning & Assessment Regulation 2000</i>
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INTRODUCTION

To assist Council in assessing your development application, in accordance with relevant legislative requirements, it is necessary for you to answer the following questions and provide justification of your responses. These questions relate to common matters that need to be addressed in order to mitigate potential impacts resulting from your development.

Please note: Incomplete or insufficient information may lead to your application be delayed or rejected.

PERMISSIBILITY

- | | | |
|--|---|-----------------------------|
| • Is your proposal permissible in the zone? | ☒ Yes | ☐ No |
| • Is your proposal consistent with the zone objectives? | ☒ Yes | ☐ No |
| • Is your proposal in accordance with the relevant development control plan? | ☒ Yes | ☐ No |

If you answered "No" to any of the above, you should make an appointment to discuss your proposal with a member of the Health & Planning Division before lodging a development application. Please justify your answers below:

This proposal is for the construction of a replacement dwelling and shed on Lot 1 DP386033 at 529A Boeill Creek Road, Boeill Creek.

The land is zoned RU1 – Primary Production pursuant to the Wentworth Local Environmental Plan (WLEP) 2011. The minimum lot size for this zone is 10,000ha. Clause 4.2B(3) of the WLEP states that:

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.*

Clause 4.2B(4) states that subclause (3) does not apply if –

- (a) there is a lawfully erected dwelling house on the land, and*
- (b) the dwelling house to be erected is intended only to replace the existing dwelling house.*

This proposal is to replace the existing dwelling and outbuilding on the property.

In addition to the principal development standards, the objectives of this zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

The Statement of Environmental Effects is to show that the proposal is in line with these objectives.

DESCRIPTION OF DEVELOPMENT

This needs to include where applicable a description of matters such as proposed buildings, proposed building materials, nominated colour scheme, nature of use, staging of the development details of any demolition and other works etc.

The replacement dwelling and shed will consist of the following:

- Three bedrooms and one master bedroom, with ensuite and walk-in robe;
- Living and dining room;
- Theatre room;
- Kitchen with scullery;
- Main bathroom, toilet and powder room,
- Laundry;
- Out outdoor living area;
- Front portico, double garage, concrete slab;
- Corrugated Colorbond sheet roofing to verandahs installed around perimeter of dwelling;
- Brick veneer external wall cladding; and
- A 15m x24m shed on concrete slab with Colorbond iron wall cladding, three 3000m wide x 3000mm high roll-a-doors and one personal access door.

Underground effluent disposal system to be installed.

The total area of the development will comprise:

- Dwelling 257.50sqm
- Garage 50.92sqm,
- Outdoor living 82.00sqm,
- Portico 8.16sqm
- Verandas 146.67sqm.

Total 545.25sqm.

The shed will add a further 360sqm, making the total developable area **905sqm**.

The existing dwelling will be removed and the section of land prepared for rebuilding.

DESCRIPTION OF SITE

1. Describe the site including any physical features of the site such as shape, slope, vegetation, any waterways. Also describe the current use/s on the site.

The site is a vast long stretch of land totalling 220,731sqm. The northern boundary fronts Boeill Creek Road and the southern boundary slopes to meet the bank of the Murray River.

The land is cleared but for scattered vegetation, the dwelling and outbuilding.

2. What is the present use and previous uses of the site?

The site is presently used for rural residential purposes.

The lot has been in its current shape and form since at least May 1948. The site is depicted having the same dimensions on Deposited Plan 23113 prepared on 24 May 1948.

The current plan was prepared on 17th September 1953 and then approved by Council and covered by Council's Clerk's Certificate No. 10/53 of 22 January 1954, prior to Environmental Planning and Assessment Act 1979, and state environmental planning policies coming into effect.

Historical use of the site has not been identified. However, spatial imaging shows the dwelling and outbuilding on site in August 2010 surrounded by established trees, grass and various vegetation. The remainder of the land is cleared, with some vegetation and trees, and an unsealed access-way to the dwelling from Boeill Creek Road.

3. Is the development site subject to any of the following natural hazards: (e.g. bushfire prone, salinity, flooding or stormwater inundation etc.)

The subject land is located within a Flood Planning Area. Pursuant to clause 5.21(1) of the WLEP the objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land;
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change;
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment;
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
2. Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
3. In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change;
 - (b) the intended design and scale of buildings resulting from the development;
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood;
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

4. What other constraints exist on the site? (e.g. vegetation, easements, sloping land, drainage lines contamination, etc.)

Second Schedule - Notifications on Title
1 Reservation and conditions in the Crown Grant(s)

5. What types of land use and development exist on surrounding land?

RU1 - Rural Primary Production land surrounds the subject land. Some surrounding lots appear to have groves, orchards or some form of horticultural crop planted (for domestic use) in the vicinity of a residential dwelling located on the lot.

Generally, the surrounding land is arid, with spots of land containing lush vegetation closer to the river bank.

CONTEXT AND SETTING

- Will the development be:

o Visually prominent in the surrounding area?	☐ Yes	☒ No
o Inconsistent with the existing streetscape?	☐ Yes	☒ No
o Out of character with the surrounding area?	☐ Yes	☒ No
o Inconsistent with surrounding land uses?	☐ Yes	☒ No

Please justify your answers below:

The design of the proposal is consistent with current land zoning and permitted use of land.

PRIVACY, VIEWS AND OVERSHADOWING

- Will the development result in any privacy issues between adjoining properties as a result of the placement of windows, decks, pergolas, private open space, etc.?
☐ Yes ☒ No
- Will the development result in the overshadowing of adjoining properties resulting in an adverse impact on solar access?
☐ Yes ☒ No
- Will the development result in any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement areas, air conditioners and pumps, bedroom and living room windows, etc.?
☐ Yes ☒ No
- Will the development impact on views enjoyed from adjoining or nearby properties and public places such as parks roads and footpaths?
☐ Yes ☒ No

Please justify your answers below:

The proposed development will not adversely impact privacy, views, or cause overshadowing.

Appropriate setbacks are applicable to reduce or remove risk of breaching privacy, overshadowing.

ACCESS, TRAFFIC AND UTILITIES

- Is legal and practical access available to the development?
☒ Yes ☐ No
- Will the development increase local traffic movements / volumes? If yes, by how much?
☐ Yes ☒ No
- Are additional access points to a road network required?
☐ Yes ☒ No
- Has vehicle manoeuvring and onsite parking been addressed in the design?
☐ Yes ☐ No
- Are power, water, sewer and telecommunication services readily available to the site?
☒ Yes ☐ No

Please justify your answers below:

- Current access to the site is via an unsealed road along the western boundary of the property from Boeill Creek Road.
- Power is available on the site.
- A septic tank in situ as reticulated sewer services are unavailable.
- A rain water tank is adjacent the dwelling.

ENVIRONMENTAL IMPACTS

- | | | |
|---|---|--|
| • Is the development likely to result in any form of air pollution (smoke, dust, odour etc.)? | ☐ Yes | ☒ No |
| • Does the development have the potential to result in any form of water pollution (eg. sediment run-off)? | ☐ Yes | ☒ No |
| • Will the development have any noise impacts above background noise levels (eg. swimming pool pumps)? | ☐ Yes | ☒ No |
| • Does the development involve any significant excavation or filling? | ☐ Yes | ☒ No |
| • Could the development cause erosion or sediment run-off (including during the construction period)? | ☐ Yes | ☒ No |
| • Is there any likelihood in the development resulting in soil contamination? | ☐ Yes | ☒ No |
| • Is the development considered to be environmentally sustainable (including provision of BASIX certificate where required)? | ☒ Yes | ☐ No |
| • Is the development situated in a heritage area or likely to have an impact on any heritage item or item of cultural significance? | ☐ Yes | ☒ No |
| • Is the development likely to disturb any aboriginal artefacts or relics? | ☐ Yes | ☒ No |

Please justify your answers below:

No artefacts or relics are likely to be disturbed.

FLORA AND FAUNA IMPACTS

- | | | |
|---|------------------------------|--|
| • Will the development result in the removal of any native vegetation from the site? | ☐ Yes | ☒ No |
| • Is the development likely to have any impact on threatened species or native habitat? | ☐ Yes | ☒ No |

For further information on threatened species, visit www.threatenedspecies.environment.nsw.gov.au

Please justify your answers below:

No native vegetation is proposed to be removed from the site, and the development will not impact threatened species or native habitat because the site has already been cleared where the original dwelling is located.

WASTE AND STORMWATER DISPOSAL

- How will effluent be disposed of?
☐ To Sewer ☒ Onsite
- How will stormwater (from roof and hard standing) be disposed of:
☐ Council Drainage System ☒ Other (please provide details)
- Will liquid trade waste be discharged to Council's sewer? ☐ Yes ☒ No
- Will the development result in any hazardous waste or other waste disposal issue? ☐ Yes ☒ No
- Does the development propose to have rainwater tanks? ☒ Yes ☒ No
- Have all potential overland stormwater risks been considered in the design of the development? ☐ Yes ☒ No

Please justify your answers below:

An onsite – underground effluent disposal system is proposed to be installed.
 Stormwater will follow the slope to the river edge.

SOCIAL AND ECONOMIC IMPACTS

- Will the proposal have any economic or social consequences in the area? ☐ Yes ☒ No
- Has the development addressed any safety, security or crime prevention issues? ☐ Yes ☒ No

Please justify your answers below:

NA

CONCLUSION

Cumulative effects of all factors.

The Statement of Environmental Effects has not identified any planning and environmental reasons why this proposed development cannot proceed.

 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:	DA2025/029 & PAN – 495894
Property Title & Address:	P357/0 – 529A Boeill Creek Road, Boeill Creek Lot 1 DP 386033
Property owner(s):	BOONGALA LAND HOLDINGS PTY LTD & F & K STOCKMAN PROPERTY PTY LTD
Applicant(s):	MH2 ENGINEERING & ARCHITECTURAL SERVICES PTY LTD – Yeshni Purchase
Proposal:	Construction of dwelling house, shed and rainwater tank
Previous DAs:	DA16/93 Rural Concessional allotment subdivision DA114/04 Proposed Shed Extension on floodplain
Cost of proposed development:	\$711,700.00
Recommendation of Officer:	Refusal, subject to attached reasons of refusal



Figure 1: Aerial view of the site (outlined in red).

SITE AND SURROUNDING DEVELOPMENT

The site is identified as 529A Boeill Creek Road, Boeill Creek and has a legal description of Lot 1 DP 386033. It is located on the southwest of Boeill Creek Road and the Murray River is abutting to the southwest of the site.

The site is irregular in shape. It seems to have a relatively flat terrain with an existing shed located at rear of the site near northwest boundary.

The site has a frontage of 136.633m to the of north (Boeill Creek Road), a rear boundary length of 233m to the southwest (the Murray River), a side boundary length of 1023.462m to the west and 424.565m to the northwest, and a side boundary length of 1005.84m to the east and 656.592m to the southeast, resulting a total area of 22.07ha. No easement is shown in the title search.

An easement for transmission line 20m wide affects the site, bisecting it. The proposed dwelling is 10m to the north of the northern edge of the easement.

Vehicular access is not proposed as part of this application. Access is already provided to the lot from Boeill Creek Road

The adjacent lands are the following:

- To the northwest, the adjacent land at Lot 3 DP1305899 contains an existing dwelling house, shed and rainwater tank.
- To the southeast, the adjacent land at Lot Y DP388592 is vacant at the time of assessment occurred.
- To the southwest, the site is abutting Murray River.

The surrounding area is characterised by existing residential development across Murray River to the southwest, and substantial vacant lands could be viewed from the west to east. The residential lands across Murray River are associated with mostly single storey dwelling house, outbuildings (or sheds) positioned close to the side boundary and landscaping.

The site contains an existing shed structure which has been illegally occupied as a dwelling and which is proposed for demolition in the DA. Adjoining sites are also zoned RU1 – Primary Production and are vacant or contain dwellings and sheds. The site does not contain any known significant vegetation, and vegetation removal has not been identified as part of the application.

The site does not contain a heritage item and is not located within the heritage conservation area, or the urban release area. The site is impacted by floodway, flood planning, terrestrial biodiversity, and wetland mapped areas.

Site details are in **Table 1** and an aerial view in **Figure 1**.

Table 1: Site details

Zoning of the subject site	RU1 – Primary Production
Heritage	NA
Flooding affected	Yes, flood planning area
Bushfire prone area mapped	NA

Wetland mapped	Yes, floodplain wetland
Terrestrial biodiversity mapped	Yes, terrestrial biodiversity
Urban release areas mapped	No

DESCRIPTION OF PROPOSAL

Council has received an application for Council has received an application for construction of a single storey dwelling with garage, storage shed and rainwater tank.

Internal work

- Double garage
- Bedroom 3 & 2 with walk in wardrobe
- Study with built-in cupboard
- Entry
- Theatre room
- Master bedroom with walk in wardrobe and ensuite
- Dining room
- Scullery and kitchen
- Laundry room and linen
- Bathroom with toilet and powder room
- Bedroom 4 with built in robe
- Living room
- Outdoor living area

External work

- Colorbond roof with a 25-degree pitch
- Portico
- Verandah
- Solid brick fireplace
- Shed has a maximum height of 5.822m, a length of 24m and a width of 15m. The proposed shed has three roller doors and one access door on the southwest façade.
- The existing development on site is proposed to be demolished.

The dwelling's location is 40m north of the high bank line with an FFL stated to be 750mm above the 1956 flood level, although the RL of the FFL is not provided. The shed is to be located 20m further to the northwest of the dwelling. No details are provided as to whether any earthworks are required to bring the FFL of the dwelling to the height proposed.

Further details are contained in **Figures 2-7** below and in the final architectural drawings (DRG No: MH2 2024-087, submitted to planning portal on 12 May 2025).

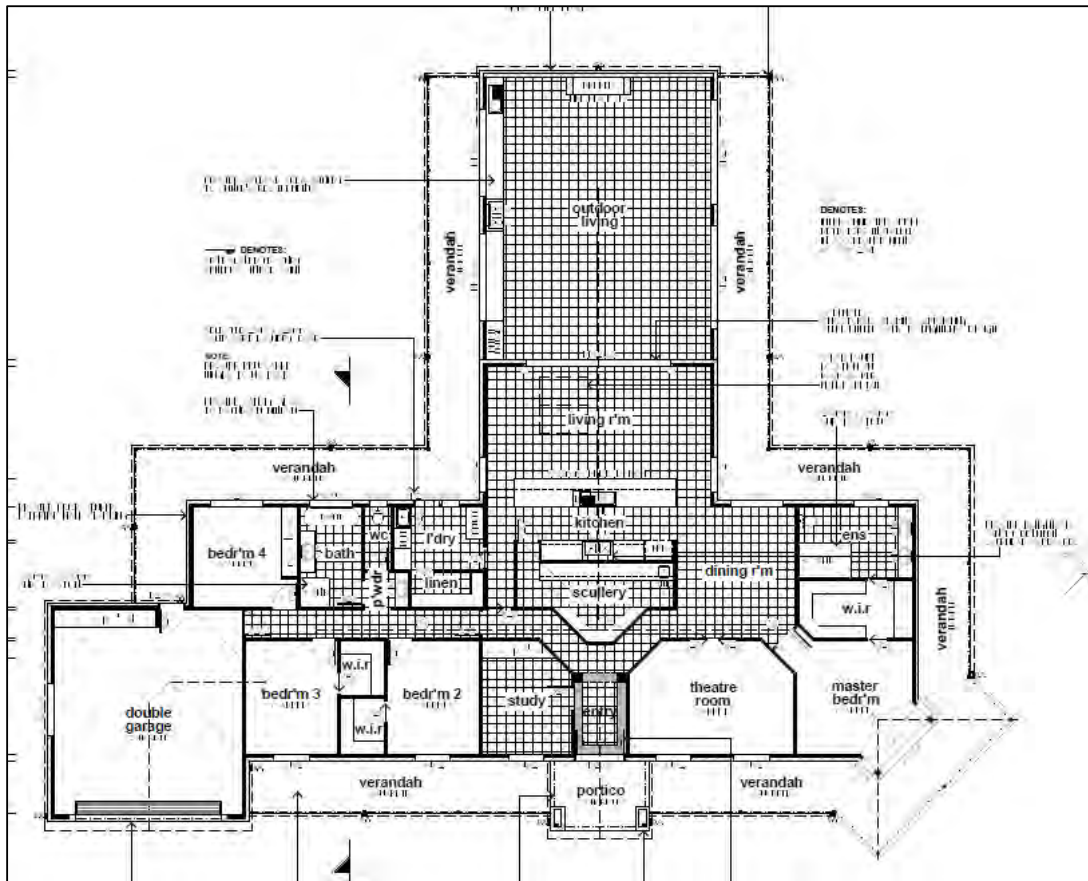


Figure 2: The proposed floor plan of the dwelling house.

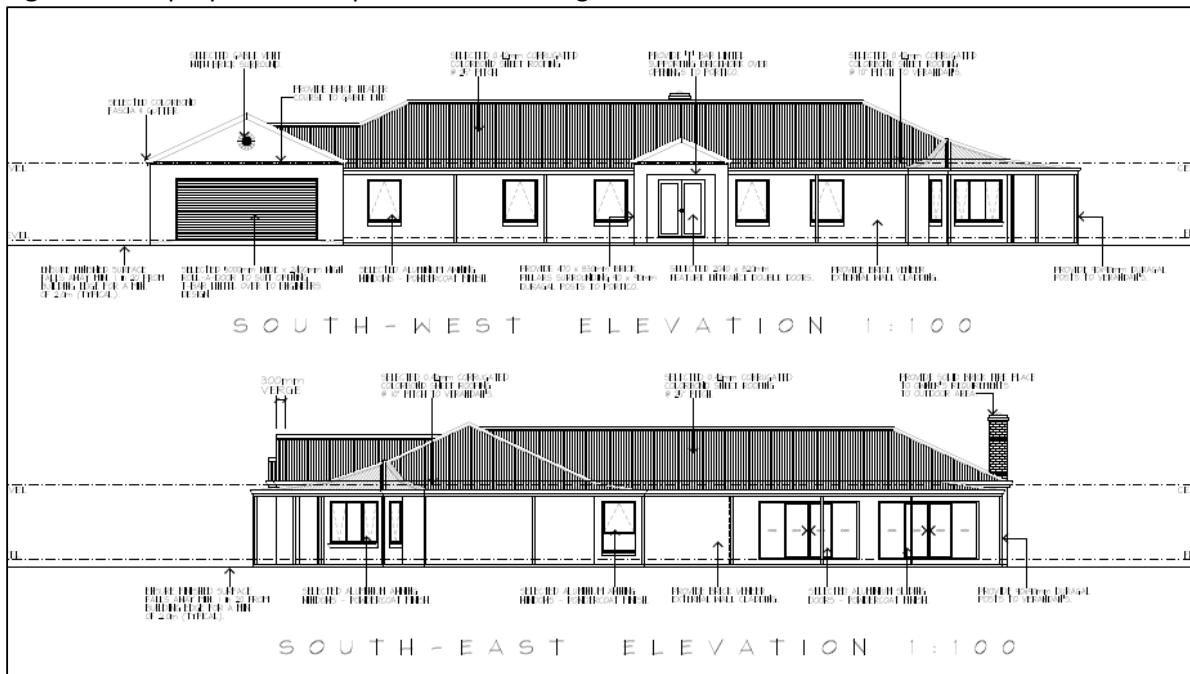


Figure 3: The proposed southwest and southeast elevation of the dwelling house.

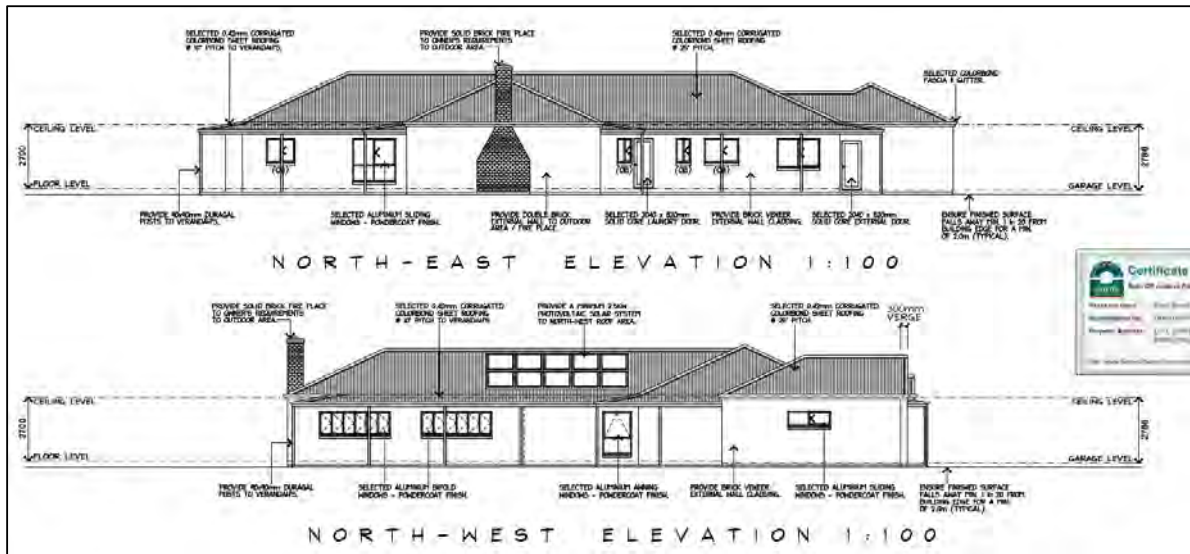


Figure 4: The proposed northeast and northwest elevation of the dwelling house.

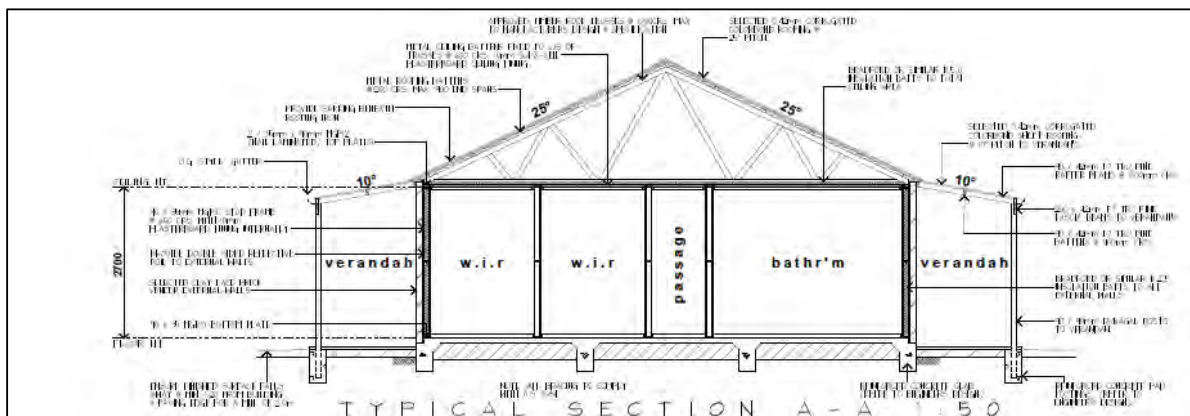


Figure 5: The proposed section of the dwelling house.

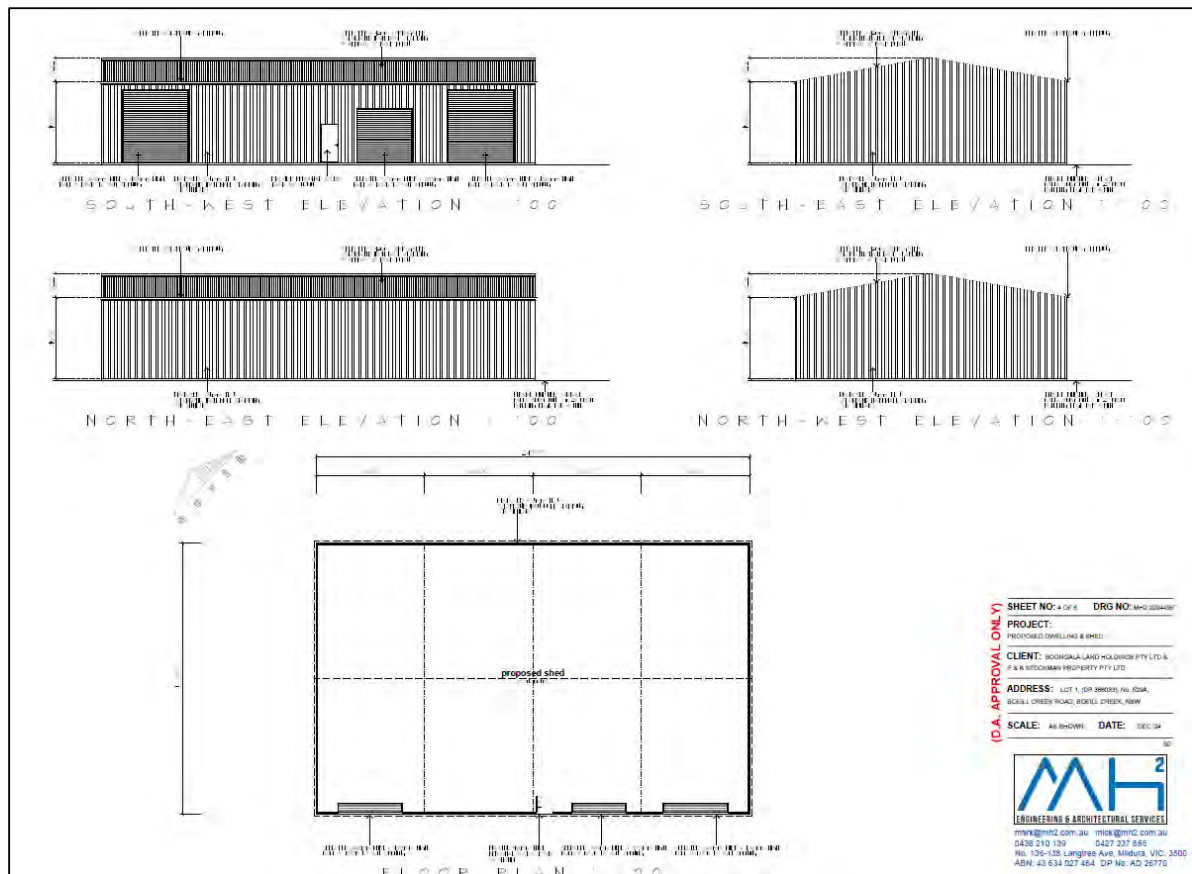


Figure 6: The proposed shed's elevation and floor plan.

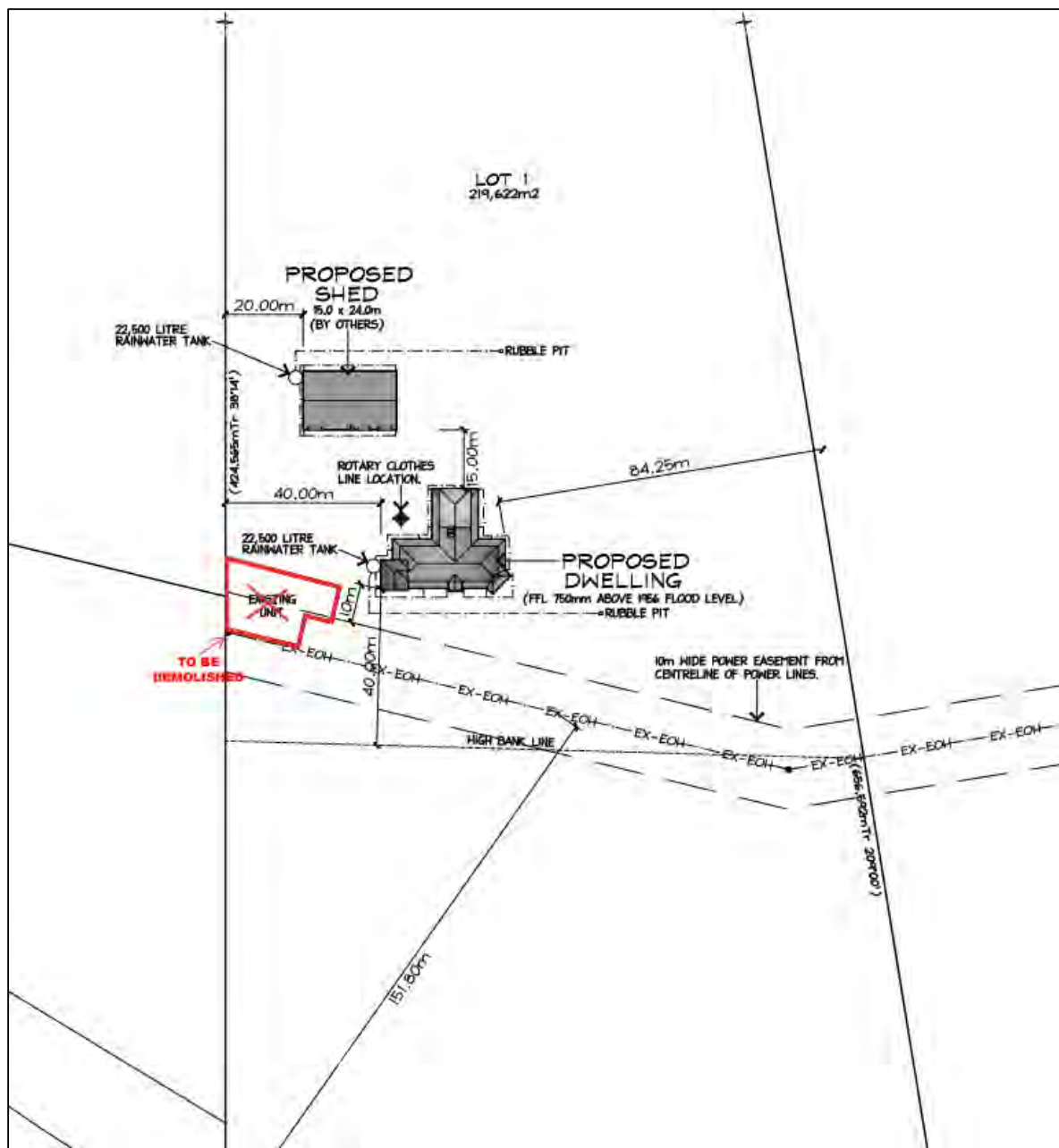


Figure 7: The proposed dwelling house and shed's location, and existing development is proposed to be demolished.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

19 February 2025	The development application was lodged with Council. A first request for additional information letter was submitted to the applicant, requesting the following: Council, as confirmed to Mark Hooper and Frank Stockman (13/11/2024), do not have a record of approval for the brick unit situated upon the allotment, therefore, the existing partially constructed unit is not a lawfully constructed dwelling and cannot
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	be considered as such for DA purposes in line with clause 4.2B (4)(a) of the WLEP 2011. It is requested that this application be a 4.6 variation and that relevant clauses of the WLEP be considered regarding the illegal dwelling (relocation, demolition, etc). Further, confirmation is required that the clean-up Notice issued by Council under Section 91 of the Protection of the Environment Operations Act 1997 following a pollution event on the property was compiled with and all appropriate documentation was provided to Council. Council understands that this matter may currently be sitting with the EPA. Soil testing may be a further requirement of this application due to the pollution incident.
24 February 2025	A second RFI was issued seeking confirmation about the pollution impacts in relation to clause 4.6 of the SEPP (Hazards and Resilience) 2021.
28 February 2025	The development application was placed on 14 days public exhibition until 14 March 2025 .
27 March 2025	Applicant's response to request for additional information received: A copy of EPA NSW - Clean Up Notice dated 8 Nov 2025 is attached, together with letter also from EPA NSW dated 27 March 2025 confirming the owner has complied in-full of the Clean-Up Notice.
14 April 2025	Applicant's response to the second RFI was received: The NSW EPA has provided in writing their satisfaction that the applicant has complied with the directions of the Clean Up Notice No.3510776. The NSW EPA has not indicated that the land is contaminated. The EPA found while investigating the site of the pollution incident (the pits of buried waste) that the pollution was under the ground for a short period of time, not long enough to cause concern of contamination within the location of the pollution incident. The applicant has not been provided with any test data sourced from the incident site to say the land is in fact contaminated.
17 April 2025	Updated drawings including rainwater tanks and the setback from the high bank line, answering part of the first RFI, were provided dated 19 February 2025 .
13 June 2025	A third request for additional information letter was submitted to the applicant, requesting the following: 1. To assist Council in the assessment of this application, a FIRA (Flood Impact and Risk Assessment) completed by a professional engineer with experience and advanced skills in

	catchment hydrology, floodplain hydraulics and working knowledge of FRM (flood risk management) and guidance in NSW. Council cannot progress this application further without such as per discussion with DCCEE and supported through the many Flood Management Manuals adopted and endorsed by the NSW Government. 2. The third RFI was due on 12 August 2025.
13 August 2025	A two-month extension was requested by the applicant. The required documents (FIRA) listed in the second RFI were not provided.
13 August 2025	First extension: Council granted the 60 days extension with a new due date being 13 October 2025 .
9 October 2025	A two-month extension was requested by the applicant. The required documents (FIRA) listed in the third RFI were not provided.
10 October 2025	Second extension: Council granted the two-month extension with a new due date being 8 December 2025 . The required documents (FIRA) listed in the second RFI were not provided.
04 December 2025	A three-month extension was requested by the applicant. The required documents (FIRA) outlined in the third request for additional information letter were still outstanding.
10 February 2026	Third extension: The extension of time to provide the FIRA, was granted with a new due date for its provision, being on 4 March 2026 .
26 March 2026	A third request for additional information letter was submitted to the applicant, requesting the following: • A FIRA (Flood Impact and Risk Assessment) is required that the site is located in flood affected area. • A preliminary site investigation is required as the site had previously been used for waste storage. • The RFI was due on 26 April 2026.
14 April 2026	A two-month extension was requested by the applicant with a new proposed due date being on 14 June 2026 . The required documents (FIRA) were still not provided.
16 April 2026	Fourth extension: The fourth extension for the FIRA provision under the third RFI, and the first extension for the preliminary site investigation (sought under the fourth RFI dated 26 March 2026) was granted, requiring a response by 29 May 2026. No response was received.

26 June 2026	The applicant advised that they are in discussions with WSC / lawyers and seek a further 90 day extension
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Despite various extensions of time, the applicant has not provided any required documents listed under the third and fourth RFIs issued on **13 June 2025** and **26 March 2026**.

A total of four extensions were granted in response to multiple requests over the past twelve months. However, the applicant has failed to provide the required FIRA and a preliminary site investigation, both required to enable the consent authority to grant approval. The relevant environmental planning instrument requirements have not been met, and insufficient information provided. The consent authority must not grant approval to the proposed development when the relevant jurisdictional requirements are not met. This forms a recommended reason for refusal.

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 site is in the RU1 zone, and the chapter does not apply.

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 has an area of 22.07 hectares and the same ownership owns the adjacent Lot Y in DP38892 (an area of 30.71 Hectares) and its adjacent Lot x in DP 388592 of 30.75 Hectares. The total lot area is therefore 85.53 Hectares.

There is no requirement for the removal of any trees for the application, and it is therefore considered that there is nothing within Chapter 3 which would prevent the grant of development consent.

Chapter 5 River Murray lands

The first RFI requested assessment against Chapter 5 of The SEPP (Biodiversity and Conservation) 2021, which was provided on 02 May 2025. This chapter applies to the application.

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.

Part 5.2 of the SEPP requires 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.

Clause 5.9 of the SEPP requires consideration of specific principles, including of flooding and wetlands and settlements. In the Applicant's response to Chapter 5 provided on 02 May 2025, there was no consideration of the principles in section 5.9, merely section 5.13 regarding setbacks.

The relevant aspects for consideration under section 5.9 include:

Flooding

Where land is subject to inundation by floodwater—

- (a) *the benefits to riverine ecosystems of periodic flooding,*
- (b) *the hazard risks involved in developing that land,*
- (c) *the redistributive effect of the proposed development on floodwater,*
- (d) *the availability of other suitable land in the locality not liable to flooding,*
- (e) *the availability of flood free access for essential facilities and services,*
- (f) *the pollution threat represented by any development in the event of a flood,*
- (g) *the cumulative effect of the proposed development on the behaviour of floodwater,*
and
- (h) *the cost of providing emergency services and replacing infrastructure in the event of a flood.*

The application includes very poor information or consideration of hazard risks involved in developing the land and the availability of a flood free access for essential facilities and services. The whole of the lot is within the flood planning area. No details about the extent of any fill on the land are provided, other than that the FFL of the dwelling is to be 750mm above the 1956 flood level. The proposal is therefore unclear as to the redistributive effect of the proposed development on floodwater and the cumulative effect of such filling.

Settlement

New or expanding settlements (including rural-residential subdivision, tourism and recreational development) should be located—

- (a) *on flood free land,*
- (b) *close to existing services and facilities, and*
- (c) *on land that does not compromise the potential of prime crop and pasture land to produce food or fibre.*

The proposed dwelling and shed are not on flood free land, and are not close to existing services and facilities. Given that the land does not appear to have been cropped or used for pasture, it is not considered that the settlement would compromise the potential of the land.

Wetlands

The proposed development is partly affected by wetland mapping. The application is satisfactory regarding the matters for consideration in the SEPP for wetlands.

Section 5.13 – Building Setbacks Special Provisions

Section 5.13 was considered by the Applicant in its response on 02 May 2025 and is required for consideration when the consent authority determines a development application. It requires all buildings to be set well back from the bank of the River Murray. The matters for consideration are:

- (a) **Effluent disposal:** The section notes that it is generally unsuitable to locate septic tanks on flood liable land, and requires any of these to be located as far as possible from the River Murray. It preferences package sewage treatment plants or dry toilet systems with excess stormwater (where possible) being disposed of on-site away from any septic absorption area.
- (b) **Landscaping:** reducing visual impact in the riverine environment by planting appropriate vegetation species

The applicant's response is that the building is set back 40m from the high bank line and the objectives are achieved by use of stormwater retention and drainage measures such as tanks and rubble pits, constructing the dwelling FFL at 750mm above the 1956 flood level and that the scenic landscape will be unaffected. The response indicates a land capability assessment can be completed to determine suitability and type of effluent disposal system to be used and that stormwater retention tanks are to be constructed. The response also indicates that existing vegetation will not be removed and native vegetation is to be planted to reduce the visual impact and reduce soil runoff in the event of rain.

Comment:

No land capability assessment is provided (as is required by section 5.3.5 of Chapter 5 of the DCP). The applicant has proposed a septic system and indicates stormwater overflow to rubble pits from both the dwelling and the shed. That is not consistent with the considerations in section 5.13 and insufficient information has been provided by a lack of a land capability assessment.

No details on the proposed landscaping are provided in the development application plans, although it is recognised that the dwelling and shed are at such a distance from the River Murray channel that the visual impact is unlikely to be significant.

In conclusion regarding Chapter 5 River Murray Lands of the SEPP (Biodiversity and Conservation) 2021:

- The application provided no comment on the planning principles in section 5.9
- Insufficient information is provided regarding the flooding aspects of the planning principles
- The proposed settlement is inconsistent with two of the three location requirements for settlements – including being on flood free land
- Effluent and stormwater disposal has not been properly considered and no land capability assessment has been provided.
- The landscaping which is mentioned as providing visual relief is not included in the plans.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate (Certificate number: 1781715S, Date of issue: Friday, 31 January 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 (TRANSPORT AND INFRASTRUCTURE) 2021

2.48 Determination of development application – other development

The application was referred to Essential Energy as it is located near electrical infrastructure. Accordingly, Section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 applies.

Comments were received from Essential Energy:

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- *As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the centre line of the 22kv to the nearest part of the development (measured horizontally) is required to ensure that there is no safety risk.*
- *It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.*

Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: <https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energetic/understand-your-energy-bill/altering-supply> Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- *If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- *Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;*

- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.
Should you require any clarification, please do not hesitate to contact us.

An assessment of the proposal against Section 2.48 under SEPP Infrastructure is summarised below:

Clause – 2.48 Determination of development application – other development	Proposal	Compliance/ Comment
(2) (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and	The proposal is now indicated to be 10m from the northern edge of the transmission easement.	Yes – this equals the minimum 10m required by Essential Energy
(2) (b) take into consideration any response to the notice that is received within 21 days after the notice is given.		Noted

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.

History:

A review of the available history for the site indicates that the land was associated with a pollution incident, being the illegal burying of waste. The waste allegedly included general rubbish, assorted car parts, truck tyres, pesticides and oil drums and an asbestos structure that was demolished on the site.

The Environment Protection Authority (EPA) issued a Clean-up Notice in relation to the alleged illegal burying of waste at the Premises on 08 November 2024. The EPA had confirmed that the applicant has complied with the directions of Clean-up Notice 3510776 on 27 March 2025 and the applicant provided a copy of that. The EPA generally required evidence of removal of waste, refilling with excavated natural material, and transfer of the waste to a facility which could lawfully accept it. The EPA did not require a preliminary site assessment to ensure the site was no longer contaminated, nor did it require consideration of whether any further remediation would be required for any change of use.

Planner’s Comment:

The applicant has not provided with any test data sourced from the incident site to indicate whether the site is suitable (or will be suitable after remediation) for the purpose of residential development.

In the fourth RFI, Council required the applicant to provide a preliminary site investigation for the purposes of meeting the jurisdictional requirement under Chapter 4 of the SEPP. The applicant failed

to provide the support document and no response was received after the due date being 29 May 2026.

Insufficient information is provided to enable the consent authority to properly understand whether the proposed development is affected by the potential contamination, or whether the site is suitable for the proposed residential use. The requirements of the chapter are not considered to be satisfied, which is a jurisdictional requirement for consent authority, and this forms a recommended reason for refusal.

The EPA Clean-up Notice can be found in [Record DOC/25/7197: DA2025/029 EPA Compliance MH2 ENGINEERING & ARCHITECTURAL SERVICES PTY LTD / BOONGALA LAND HOLDINGS PTY LTD & F & K STOCKMAN PROPERTY PTY LTD Replacement Dwelling with garage and storage shed Boeill Creek Road Lot 1 DP 386033 Boeill Creek](#)

WENTWORTH LOCAL ENVIRONMENTAL PLAN (WLEP) 2011

The development site is subject to WLEP 2011.

Part 2 – Permitted or Prohibited Development

The site is zoned RU1 – Primary Production, where the proposed dwelling house with garage, and shed and water tanks are permissible with consent. The relevant zone objectives are below:

Objectives of zone:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

The proposal does not promote primary industry production, encourage its diversity, or promote economic and employment opportunities in agriculture, horticulture and tourism, because the application acknowledges that no primary production appears to have been carried out on the site.

The proposed new dwelling house is unlikely to conflict with land uses within this zone. The application is therefore largely inconsistent with the objectives of the zone.

Part 4 – Principal Development Standards

Applicable WLEP 2011	Development Standard	Proposal	Compliance
4.2B Erection of dwelling houses in zone RU1, RU4, R5, C3, C4	(2) This clause applies to land in the following zones— (a) Zone RU1 Primary Production, (aa) Zone RU4 Primary Production Small Lots, (ab) Zone R5 Large Lot Residential, (b) Zone C3 Environmental Management, (c) Zone C4 Environmental Living.	The site is zoned as RU 1 Primary Production.	Yes, Clause 4.2B applies.
	(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 lot size is 22.07ha, which does not meet the minimum lot size of 10,000 hectares specified for the subject site by the Lot Size Map under Wentworth LEP 2011. However, the lot was registered after 26 November 1953 prior to Wentworth LEP 2011. The site was zoned as 1(a) specified for the subject site prior the Wentworth LEP map 1993 map 2 and erected of a dwelling house was permitted with consent.	(a) No, the site does not have the lot size that is at least the minimum lot size specified for that land by the lot size map. (b) Yes, erection of a dwelling house is permitted with consent, and a Clause 4.6 is not required for this application.
	(4) Subclause (3) does not apply if— (a) there is a lawfully erected dwelling house on the land, and	The site contains an unlawfully erected dwelling house, hence Clause 4.2B (4) (a) is not applicable.	NA

Applicable WLEP 2011	Development Standard	Proposal	Compliance
	(b) the dwelling house to be erected is intended only to replace the existing dwelling house.		

The Deposited Plan DP388592 was registered after 26 November 1953. The lot was created under an environmental planning instrument – either Interim Development Order No 1 – Shire of Wentworth, or the Town and Country General Ordinance. Therefore, the lot was created before the WLEP 2011 commenced.

Under the available maps for Wentworth LEP 1993, the zoning was 1 (a). In the following zones dwelling houses were permissible, that some zones had minimum lot sizes for dwelling houses. However, they remained permissible:

- 1(a) (General Rural Zone)
- 1(c) (Rural Small Holdings Zone)
- 1(d) (Future Urban Zone)
- 2(v) (Village or Urban Zone)
- 4(a) (General Industrial) – but only if it was in conjunction with industries
- 4(b) (Light Industrial Zone)
- 6(a) (Open Space Zone) – but only if the dwelling house was ancillary to permitted uses

Therefore, it appears that section 4.2B(3) is not an impediment to the grant of consent due to the lot being created prior to 2011 and on which dwelling houses were permissible. No clause 4.6 request is required.

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 5.16 - Subdivision or dwellings on land in certain rural, residential or conservation zones

This clause applies in zones RU1, RU2, RU3, RU4, RU6, R5, C2, C3 and C4 where there is subdivision of land proposed to be used for the purposes of a dwelling, or the erection of a dwelling is proposed. The matters in s 5.21(4) must be taken into account, being:

- (a) *the existing uses and approved uses of land in the vicinity of the development,*

- (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The proposal is considered acceptable in relation to the matters set out in clause 5.16(4) because:

- The current use of the land in the vicinity is for rural primary production, although the land and surrounding area has been largely undeveloped. Rural residential land is at the adjacent Lot 1 DP1217509 and on Lot 2 DP815738 to the far east of the site
- The proposed development is unlikely to have a significant impact on land uses that are likely to be preferred in the vicinity,
- The proposed development is compatible with the existing land use,
- No measures have been proposed by the applicant to avoid any incompatibility

Clause 5.21 - Flood Planning

The site has been identified as being at or below the 1% AEP flood planning level. Council is required to consider the proposed development whether is compatible with the flood function of the land, will not result in significant adverse effects on flood behaviour or the environment, and any appropriate measures can manage risk to life in the event of a flood.

The first RFI requested assessment against clause 5.21 of the LEP, which was provided on 02 May 2025. Subsections 5.21(2) and (3) require the consent authority to be satisfied of a number of matters in (2) and consider the matters in (3):

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The applicant's response indicated that:

- The dwelling will be constructed above the high bank
- Design features which can be incorporated to manage risk to life include FFL of habitable rooms above flood heights and non-habitable rooms no more than allowable below the defined flood levels
- Footings to provide support to prevent flotation, collapse or significant movement from flood actions
- Geotechnical considerations to account for instability and any decrease in structural integrity
- Structural supports (piers, posts, columns and piles) used to elevate the buildings taking into account erosion and debris action
- Use of fill to support the footing system
- Egress being available to be rescued or to leave safely
- They would use planting of vegetation as a flood mitigation measure (presumably although poorly stated), that location of the development will promote bank stability

The response to the matters raised by clause 5.21 is not considered satisfactory because:

- None of the proposed mitigation measures or management measures (including the structural support and landscaping) are actually included in the proposed plans
- There is no analysis of the flood function of the land
- No flood evacuation procedure has been provided to manage risk to life
- Insufficient details are provided as to how erosion and siltation will be managed

In the third RFI, the applicant was requested to provide the Flood Impact and Risk Assessment (FIRA) and it was still not received after the final due date of 29 May 2026. Insufficient information is provided to enable the consent authority to properly understand whether the proposed work will be affected by any flooding events.

No appropriate measures are provided to demonstrate how the flooding risk will be managed in the event of a flood. The consent authority cannot therefore be satisfied that the development is compatible with the flood function and behaviour of the land, and that appropriate measures to manage risk to life in the event of a flood are included. Insufficient information has been provided. The requirements of the clause are not considered to be satisfied, which is a jurisdictional requirement for consent authority, and this forms a recommended reason for refusal.

Part 6 Urban Release Areas

The site is not mapped as an urban release area. Accordingly, Clause 6.2 of WLEP 2011 is not applicable to this application.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

The proposal appears to involve earthworks for the provision of a dwelling and ancillary works, although no details are provided, other than that the finished surface is to fall away at a minimum 1:20 from the building paved edge for a minimum of 2.0m (see sheet 3 of 6), or alternatively 1:40 for at least 1m (see sheet 5 of 6). The proposed works are unlikely to disrupt or affect 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, 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 applies to zones RU5 Village, R5 Large Lot Residential, E3 Productivity Support, and E4 General Industrial. The site is not in any of these zones and the clause does not apply.

Clause 7.4 Terrestrial Biodiversity

The proposal is located within the area identified as “Terrestrial Biodiversity” on the Natural Resource—Terrestrial Biodiversity Map. Assessment against Clause 7.4(3) indicates the proposal:

- a. is unlikely to have adverse impacts on the condition, ecological value and significance of the fauna and flora on the land. No vegetation clearing will be conducted as part of the construction of the driveway.
- b. is unlikely to have adverse impacts on the importance of the vegetation on the land to the habitat and survival of native fauna.
- c. is unlikely to have any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land.
- d. is unlikely to have adverse impacts on the habitat elements providing connectivity on the land.

An assessment of the proposed development against clause 7.4(4) is as follows:

- a. The development is sited some distance from the river/ flora and fauna habitat. Conditions of consent will manage environmental impacts if approval is granted.
- b. The risks are able to be mitigated through the application of conditions of consent for the development on the site, if approval is granted.
- c. Noted. further information is required to ensure the Terrestrial Biodiversity areas are not impacted by sewage and stormwater disposal.

Clause 7.5 Wetland

The southwest portion of the site is located within the area identified as “Wetlands” on the Natural Resource—Wetlands Map. The proposed development is likely outside of the area, however is very close. Assessment against Clause 7.5(3) is as follows:

- a. The proposal will not affect growth and survival of flora and fauna.
- b. No vegetation to be removed a part of the construction.
- c. No native vegetation to be removed.
- d. No anticipated impacts from the driveway development.
- e. The development location is located in a wetland mapped area. However, the land has been historically disturbed.

An assessment of the proposed development against clause 7.5(4) is as follows:

- a) The location on site of the development is appropriate in respect of the wetland provisions. Subject to adequate arrangements and provision for sewage and stormwater disposal, the development is not anticipated to cause adverse impacts.
- b) Noted, further information is required to ensure the wetland areas are not impacted by sewage and stormwater disposal.

Clauses 7.6 – Development on river front areas

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, none of which include for a dwelling house. If the development does fall within those purposes listed in 7.6(2), the consent authority must be satisfied of various other matters set out in clause 7.6(3).

The proposed development is approximately 150m from the rear boundary to the Murray River and is 40 m away from the high bank. Accordingly, the proposed development is outside the riverfront area and clause 7.6 does not apply.

Clause 7.7 - Riparian land and Murray River and other watercourses

Clause 7.7 relevantly applies to land identified as watercourse on the Natural Resource – Watercourse map and land within 40 metres of the top of bank of such identified watercourse. The site is identified in the watercourse map. The proposed development is approximately 160m from the rear boundary of Murray River and is 40m away from the high bank line and the clause therefore does not apply.

(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,

Wentworth Shire Development Control Plan (WSDCP) 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 to the Murray River or Darling River	RU1 Primary Production – 100m	The proposed development is setback 150m away from the boundary.	Yes
2.1 Buffer corridor	All properties – 40m	The proposed development is setback 150m away from the boundary.	Yes

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 satisfactory.

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.

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. No vegetation removal is proposed and the provisions are considered satisfactory.

4 Flood Affected Land

The site is affected by flooding and has been considered under section 5.21 of the WLEP 2011. The WDCP defines the flood planning level and land at or below a 1% AEP flood level plus 750mm freeboard.

In the third RFI, the applicant was requested to provide the Flood Impact and Risk Assessment (FIRA). No response was received by the extended due date of 29 May 2026. Insufficient information is provided to enable the consent authority to properly understand whether the proposed work will be affected by any flooding events. No appropriate measures were provided to demonstrate how the flooding risk will be managed in the event of a flood.

Further, the provisions seek to ensure that untreated sewage and sullage is not deposited into the river or natural watercourse and that treated effluent is discharged to ground disposal well clear of any riverbank. The DCP recommends a small package treatment plant where there is no sewage system, reuse of treated effluent, and overflows from rainwater tanks to be directed away from the river. The SEE indicates that an underground effluent disposal system would be installed, with stormwater to drain to the river. However, the applicant has not provided any plans to detail the underground effluent disposal system. Insufficient information is provided to enable the consent authority to properly understand how the underground effluent disposal system would operate and will not have an adverse impact to the environment.

The provisions require the minimising of cut and fill and directions on earthworks mounds. The proposal has not proposed any pier and beam construction or suspended reinforced concrete slabs to allow floodwaters to flow under the building.

Overall, those requirement of the WSDCP 2011 is not considered to be satisfied, and this forms a recommended reason for refusal.

5 Vehicular Access and Parking

The proposed development includes two car spaces which satisfies the relevant controls of section 5.2 of the WSDCP 2011. No vehicular access is proposed in this application.

6 Crime prevention through environmental design

The proposed development satisfies the relevant objectives and controls of the WSDCP 2011. 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 4 – Residential Development Controls

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
4.1.2 Streetscapes	Garage width = <50% of frontage	The proposed garage width is 6.5m.	Yes

Applicable WDCP 2011 controls	Development standards			Development proposal	Compliance/ Comment
	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.				
4.1.3 Front setback	Type of development	RU5	R5	The front setback is not applicable to the site zoned RU 1 Primary Production.	NA
	Single-storey building	6m	15m		
	In established areas of Wentworth, Dareton and Pooncarie: - Setback must match one adjoining building if their setbacks differ by ≤ 2m. - If the difference is > 2m, use the average setback of both adjoining dwellings.			The proposed development is located more than 500m to the frontage.	
4.1.4 Side setback and corner lot setbacks	Type of development	Controls		Shed Northwest side setback = 20m Southeast side setback = more than 80m Proposed dwelling house Northwest side setback = 40m Southeast side setback = 84.25m	Yes
	Single-storey building	1m (minimum) & 4.5m (combined)			
	Some structures allowed in the side setback				
4.1.5 Rear setback	Type of development	Controls		Rear setback = 151.80m	Yes
	Single-storey building	3m (minimum)			
	Two-storey building	6.5m (minimum) for the 2 nd storey component			
	Residential flat building	7.5m (minimum)			

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	Note: Balconies with 1.7m obscure screening for balcony allowed in setback		
4.1.6 Walls on boundaries	Where a new wall is constructed on or within 150mm of a side or rear boundary or a carport is within 1m of a side or rear boundary, it should not abut the boundary for a length of: Max length = 10m + 25% of the remaining boundary length New wall height on or within 150mm of the boundary or a carport within 1 metre of the boundary: Average height: $\leq 3\text{m}$ Maximum height: $\leq 3.6\text{m}$ Exception: Can exceed these if abutting a higher existing or simultaneously built wall	No walls on boundaries are proposed.	NA
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.	Single storey dwelling is proposed.	NA
4.1.8 Site coverage	60% (for single dwelling houses and dual occupancies)	Dwelling 257.50sqm Garage 50.92sqm Shed 360sqm Total 668.42sqm or 0.003%	Yes
4.1.9 Private Open space	Each dwelling must have at least 40m² 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.	82sqm of outdoor living is considered sufficient private open space proposed.	Yes

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
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.	Achieved	Yes
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	The existing development on site is proposed to be demolished.	NA
4.1.12 North-facing windows	If a north-facing habitable room window is within 3m of a 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.	Achieved	Yes
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	Achieved	Yes

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- 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		
4.1.14 Fencing and retaining walls	Front fence = 1.5. (main road) Or 1.2m (other street)	No front fence or retaining wall are proposed.	Yes
4.1.15 Car parking and vehicle access	Dwelling house = 1 space per dwelling 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	Two car parking spaces are proposed.	Yes
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.	NA	NA

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	Beyond 2m, fill may be battered outside the building. Excavations up to 1m allowed for basements/garages. Batters must not exceed a 1:2 slope unless site stability is confirmed. Stormwater runoff must not impact neighbouring properties.		

Chapter 5 – Rural Development Controls

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
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) - 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).	Living areas are located facing north. Front setback exceeds 50m. Other siting issues suitable	Yes

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	Remove any illegal structures on the property.		
5.3. b) Access	All dwellings must have legal, properly constructed access via a public road.	No access exists and none is set out in the proposed plans	No
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	2 tanks each of 22,500L are proposed	No - could be conditioned
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 Wastewater management assessment report is required.	Adequate space is available. The 100m setback from the River Murray channel is provided, but not from the top of bank. Insufficient details are provided. No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system.	No – insufficient information
5.3.3 Fencing	<1.2m	None proposed	NA
5.3.4 dwelling setbacks from river	As per WLEP 2011. – generally 100m setback to the river	More than 100m from the channel, but not from the high bank of the river. Note that the LEP has provisions seeking to prevent development such as dwelling houses within 30m of the top of bank.	No, however it complies with clause 7.6 and 7.7 of the LEP being 40m from the top of bank.
5.3.5 Land Capability	A land capability assessment to show that the land can support the proposed agricultural use	Not provided.	No
5.4 Rural sheds			

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
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.	Can be conditioned. No amenities proposed in the shed	Can be conditioned if approved.

(iia) 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.

(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 environmental impacts have been assessed in detail above as summarised in the table below. The proposal is considered not to exclude the possible impact on the natural and built environment.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	x			The proposed development is in keeping with other developments being constructed in the locality.
Public domain & Streetscape	x			The proposed dwelling and storage shed will not be visible from the street due to distance. They are also a considerable distance from the River Murray
Landscaping		x		Landscaping is stated to form part of this application, for flood mitigation and visual impact, however no details are provided
Stormwater		x		Insufficient details are provided to demonstrate that stormwater will be acceptable given proximity to wetlands and the River Murray.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Heritage			x	There are no heritage items on site or within the surrounds.
Soils & Soils Erosion	x			Soil management could be conditioned as part of consent if approved.
Air and microclimate			x	No effect from proposed development anticipated.
Water Resources	x			Distance between waterway and proposed development complies with WLEP 2011.
Biodiversity (Flora & Fauna)	x			No clearing of vegetation to occur. The site has been historically disturbed – remnant vegetation existing but not significant.
Land Resources			x	None located on the site expected to impact the proposed development.
Utilities		x		Insufficient information provided as to connection to services, including sewage management
Access & Parking	x			Access to site exists and adequate parking availability on site
Roads & Traffic			x	No new roads proposed, traffic increase only anticipated during construction.
Solar Access and Energy Efficiency	x			Basix and NatHERS included with application
Overshadowing			x	N/A as single storey dwelling.
Privacy & Overlooking			x	N/A as single storey dwelling.
Flooding		x		Site is impacted significantly by flooding. No FIRA was provided.
Bushfire Prone Area			x	Not in bushfire prone land
Noise	x			Noise will be minimal during construction however; hours of work will be conditioned to reduce any potential impacts if approved
Technological hazards			x	None anticipated from the development.
Safety, Security & Crime Prevention	x			Development not anticipated to adversely affect safety or security in the area if approved.
Social and Economic Impacts	x			There are no social or economic impacts anticipated from the development if approved.

(c) *the suitability of the site for the development,*

The site is considered not suitable for a residential use without further information satisfying the consent authority that:

- the site is suitable for use in its current state for residential development, due to known contamination of the site; and
- insufficient information as to the flooding risk amelioration and method by which the development will be elevated above the flood planning area.

(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 conflicts with the public interest and is likely to set an undesirable precedent. The public interest is served through the consistent application of planning controls, which promotes certainty and fairness.

Insufficient planning merits are provided to justify breaches of the planning controls in this application. The proposal is not consistent with what is anticipated by the planning controls and can therefore be considered not in the public interest.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	Y	As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the centre line of the 22kv to the nearest part of the development (measured horizontally) is required to ensure that there is no safety risk. It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or C EOP8041 - Work Near Essential Energy's Underground Assets. Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment

Department	Referred Y/N	Comments
		Form via Essential Energy's website Encroachments (essentialenergy.com.au) and provide supporting documentation such as a Blowout report which indicates that the proposed structure meets the requirements of AS 7000 created by a level 3 electrical designer. A list of ASPs can be found at: https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply Applicants are advised that fees and charges will apply where Essential Energy provides this service. Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed. Essential Energy makes the following general comments: - If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment; - Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; -Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure; - Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.
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	Y	
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
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, it is considered that DA 2025/029 should be refused, subject to the reasons below.

1. Refusal Reason – Environmental Planning Instruments

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply (nor provide compelling merit to justify the breach) with the relevant environmental planning instruments in terms of the following:

- (a) The proposal fails to satisfy the Objectives in Section 4.1 and has not provided the preliminary site investigation required by Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4.
- (b) The proposal fails to provide adequate information to enable the consent authority to properly consider the matters it is required to consider in Section 4.6(3) of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4, to ensure the land is suitable for residential use.
- (c) The proposal fails to provide sufficient information to inform the consent authority regarding the planning principles and sewage and stormwater disposal to satisfy the requirements of section 5.7- 5.9 and 5.13 of Chapter 5 River Murray Lands in SEPP (Biodiversity and Conservation) 2021.

- (d) The proposal is largely inconsistent with the objectives of the RU1 Primary Production zone in Wentworth Local Environmental Plan 2011, noting that it appears that no primary production has occurred or is proposed on the site.
- (e) The proposal fails to satisfy the Objectives of Clause 5.21 – Flood Planning of the Wentworth Local Environmental Plan 2011, to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (f) The proposal fails to satisfy the requirements of Clause 5.21(2) – Flood Planning of the Wentworth Local Environmental Plan 2011, to incorporate appropriate measures to manage risk to life in the event of a flood.
- (g) The proposal fails to provide adequate information to enable the consent authority to form the required satisfaction under Clause 5.21 – Flood Planning of the Wentworth Local Environmental Plan 2011. It is unclear whether the proposed dwelling enables the safe occupation and efficient evacuation of people in the event of a flood.
- (h) The proposal fails to provide adequate information to enable the consent authority to form the required satisfaction under clause 7.5 Wetlands of the Wentworth Local Environmental Plan 2011. It is unclear that sewage and stormwater disposal has been adequately considered to manage and avoid potential adverse impacts or what mitigations measures and minimising of impacts is proposed.

2. Refusal Reason – Development Control Plan

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply (nor provide compelling merit to justify non-compliance with) the following sections of the Wentworth Shire Development Control Plan (WSDCP) 2011:

- a) The proposal fails to take consideration of the safe occupation and efficient evacuation of people in the event of a flood under Chapter 3 Section 4 of the WSDCP 2011.
- b) No land capability assessment has been provided as required under section 5.3.5 of the WSDCP 2011.
- c) No wastewater management assessment is provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system as required by section 5.3.2 of Chapter 5 of the WSDCP 2011.

3. Refusal Reason – Suitability of Site

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the location within the site is considered not suitable for the proposed development given the likelihood of a flood affecting the site and the lack of access to an escape route during the course of a flood.

4. Refusal Reason – Public Interest

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest for the following reasons:

- (a) The proposal is for a residential dwelling and shed on land which is heavily impacted by flooding and from which no safe evacuation opportunities have been identified by the applicant.
- (b) The application does not provide satisfactory information regarding sewage and stormwater disposal.
- (c) The application has not demonstrated that the site will be suitable for use as a residential dwelling taking into account previous known contamination.

5. Refusal Reason – Insufficient Information

- a) A FIRA (Flood Impact and Risk Assessment) was not provided to demonstrate appropriate mitigation measures to minimise impacts from the event of a flood.
- b) A preliminary site investigation is required as the site had previously been used for illegal waste storage and the application has not provided sufficient information for the consent authority to be satisfied of the requirements in Chapter 4 of the SEPP (Resilience and Hazards) 2021.
- c) No wastewater management assessment provided to advise an acceptable effluent disposal site and to consider the appropriate effluent system.

Delegate report author	Delegated approval and endorsement
Signature: 	
Rosalind Read Planning Officer	
Date: 3 July 2026	

9.19 DA2025/097 PERGOLA AND STORAGE SHED EXTENSION 12 MURRAY STREET LOT 8 DP 758456 GOL GOL

File Number: RPT/26/424

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 (DA2025/097) was lodged with Council on 28 May 2025 for a pergola and storage shed extension at 12 Murray Street Lot 8 DP 758456 Gol Gol.

Under the R5 Large Lot Residential zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development of a pergola and storage shed extension is permitted with consent.

It is noted that the storage shed extensions are adjoining the existing ancillary structures located along the northeastern boundary of the property and that development constructed upon the site is not consistent with development previously approved, as they have a larger footprint. Within the development application the applicant notes that the section of the storage shed already constructed, is for use only. The proposed addition to the storage shed structure includes building works that would be constructed over the existing waste management system on the site. Council can provide approval for the proposed pergola on the site as this has not been constructed. Appropriate methods of managing illegal building works are through enforcement action and/or through a Building Information Certificate (BIC). In this instance, applying for a Building Information Certificate, and having this assessed and approved, before relodging a development application for land use approval is considered the most appropriate pathway for managing illegal building works upon the site.

It is well known in NSW planning law that the requirement for obtaining consent, where required for development, is a prerequisite to the commencement of development construction, this is demonstrated in the case law example below.

Unauthorised works

It is not possible to obtain retrospective approval for works undertaken without consent (*Kuring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177 [at 40]*), therefore those parts of the proposed development which are already constructed cannot form part of this application and cannot be regularised by this application. A Building Information Certificate must be lodged to prevent Council from seeking the rectification of those works as approved.

For Council to be able to approve a development application for a storage shed extension and pergola, the following prerequisites must be met:

- Matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

- The application is recommending part approval for the pergola (only).
- The application is recommending refusal for the proposed storage shed extension.

Recommendation

That Council:

1. Approve DA2025/097 for a pergola (only) at 12 Murray Street Lot 4 DP 758456 Gol Gol subject to conditions of consent.
2. Refuse DA2025/097 for a storage shed extension at 12 Murray Street Lot 4 DP 758456 Gol Gol subject to reasons.
3. 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 DA2025/097, having consideration to the details provided both within this report and the attachments provided.

Background

A development application (DA2025/097) was lodged via the NSW Planning Portal on 28 May 2025 for a pergola and storage shed extension at 12 Murray Street Lot 4 DP 758456 Gol Gol. To date, the matters preventing approval of the storage shed extension have not been addressed.

Under the R5 Large Lot Residential zoning of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (pergola and storage shed extension) is permitted with consent as development ancillary to the existing dwelling on the site.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The attached 4.15 Assessment report indicates that the application can comply with prescribed matters under section 4.15 of the *Environmental Planning and Assessment Act 1979*, development consent can only be provided for the proposed pergola on the site. The ongoing land use for the proposed storage shed extension can be considered upon completion of the Building Information Certificate process, as retrospective works cannot be approved.

The proposed development for a pergola and storage shed extension is permitted with consent under the R5 Large Lot Residential zoning of WLEP 2011.

Council requested the applicant lodge an application for a Building Information Certificate (BIC) via the NSW Planning Portal on 21 July 2025, stating that the development application would not be further considered until the successful determination of the BIC.

On the 20 July 2026, Council added a request for further information in response to an enquiry from the Department of Planning, Housing and Infrastructure to provide updates on development applications that have been active on the NSW Planning Portal for more than 180 days but not determined.

The Minister's Environmental Planning and Assessment (Statement of Expectations) Order was signed by the NSW Planning Minister in 2024 and updated on 1 July 2026. The objective of the order is to:

The object of this Order is to set expectations for councils in relation to their performance of a range of planning and development functions under the Environmental Planning and Assessment Act 1979. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator to exercise a council's functions. It is made under section 9.6(9) of the Act.

The additional information request provided the option for the applicant to withdraw the application by close of business 31 July 2026.

The requested actions made to the applicant to withdraw the application, as stated above, were not addressed within the extended time frame, now more than 12 months or 376 days.

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

- The application is recommended in part for refusal.

In summary, the development application in its current form can comply with matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, however, Council does not have the authority to approve development works retrospectively. A Building Information Certificate process is the most appropriate method to manage illegal building works.

Upon completion of the Building Information Certificate process and approval, a development application for relevant land use for the storage shed extension can be made.

Refer to attachment 4 – Section 4.15 Assessment report

Refer to attachment 5 – Draft Conditions of consent (Pergola only)

Options

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

Approve DA2025/097 for a pergola (only) at 12 Murray Street Lot 4 DP 758456 Gol Gol subject to conditions of consent.

Refuse DA2025/097 for a storage shed extension at 12 Murray Street Lot 4 DP 758456 Gol Gol subject to the following reasons:

- a. Building works were completed without consent.
- b. Retrospective approval cannot be provided by Council.
- c. There is no Building Information Certificate approval in place.

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*.

Should Council issue an approval for the application, anyone can challenge the validity of the consent or remedy a breach to the planning act under section 4.59 and 9.45 respectively of the *Environmental Planning & Assessment Act 1979*.

Conclusion

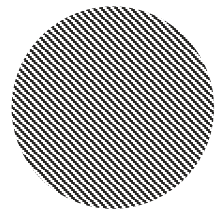
Having consideration to the content of this report, it is concluded that the appropriate course of action is to refuse to issue development approval subject to reasons.

Attachments

1. Development Application (Under Separate Cover) [⇒](#)
2. Statement of Environmental Effects [↓](#)
3. Plans (Under Separate Cover) [⇒](#)
4. 4.15 Assessment Report [↓](#)
5. Conditions of consent [↓](#)



JACKSON
PLANNING



Planning Report

Pergola and shed extension

12 Murray Street,
Gol Gol, NSW, 2738

EXECUTIVE SUMMARY

Proposal	Pergola and shed extension
Street Address	12 Murray Street, Gol Gol 2738
Formal Land Description	Lot 4, Section 27 in Deposited Plan 758456 (CP 2.1935)
Zone	R5 - Large Lot Residential
Relevant State Environmental Planning Policies	State Environmental Planning Policy (Biodiversity and Conservation) 2021

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 12 Murray Street, Gol Gol, and more formally as Lot 4, Section 27 in Deposited Plan 758456. It has an area of approx. 9870m² and a frontage of 40.27 metres (m) to Murray Street. The site contains an existing dwelling which has been located at the site for an extended period of time. The rear of the land abuts the Murray River, which has a steep slope to the water edge. No heritage or cultural sensitivities affect the land and there are no environmental constraints or natural hazards.

The site is situated within an established area of Gol Gol, approximately 600m to the south west of the Gol Gol township. The surrounding area predominantly consists of established single and double story dwellings.

An aerial image of the site and surrounding area as well as site photos are contained on the following pages.

Site Photos



Figure 1: View of site from Murray Street



Figure 2: View of site from Murray River



Figure 3: View of site from south east



Figure 4: View of site from north west

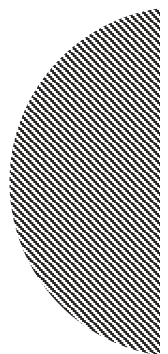
PROPOSAL DESCRIPTION

The proposal seeks approval for the construction of a pergola and shed extension associated with an existing dwelling.

It is noted that part of the shed extension is for use only as it has is already constructed.

The proposed pergola has a length of 8.2 metres, a width of 7.2 metres and a height of 3 metres. The structure is proposed to be in in line with the existing decking located towards the Murray River.

The shed extensions are adjoining the existing buildings located on the north-eastern boundary. The use only component is 5 metres, while the new extension is 5 metres. The height will be main consistent with the existing shed height (3.6 metres).



PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The subject site is within the Zone R5 – Large Lot Residential.

The objectives of the zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To restrict the construction of new residential and other sensitive uses in flood prone areas*

The additions are compatible with existing and future land uses in the surrounding area. The building will not unreasonably increase the demand for public services or public facilities. The subject site is not in an environmentally sensitive location, does not have high scenic quality. As such, the proposal supports the objectives of the R5 zone.

Clause 5.21 Flood planning

The objectives of this clause are as follows—

- *to minimise the flood risk to life and property associated with the use of land,*
- *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *to avoid adverse or cumulative impacts on flood behaviour and the environment,*

- *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- *is compatible with the flood function and behaviour on the land, and*
- *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Discussion

The subject land was previously raised when the dwelling was originally built; therefore it is considered that the proposed works will have no additional safety threat to the occupiers of the dwelling.

It is accepted that standard conditions relating to the construction of the additions may be required to be certified by a qualified structural engineer certifying that the design and structural adequacy of the building can withstand the effects of inundation in the event of a flood.

In conclusion it is considered that the proposed development will allow the safe and efficient evacuation of people in the event of a flooding event.

Clause 7.4 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by—

- *protecting native fauna and flora, and*
- *protecting the ecological processes necessary for their continued existence, and*
- *encouraging the conservation and recovery of native fauna and flora and their habitats.*

Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development—

- *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
- *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
- *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- *if that impact cannot be reasonably avoided—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

No native vegetation is proposed to be moved as part of this application.

Clause 7.5 Wetlands

The objective of this clause is to ensure that natural wetlands are preserved and protected from the impacts of development.

When assessing a development application for development on land to which this clause applies, the consent authority must consider potential adverse impacts from the proposed development on—

- the growth and survival of native flora and fauna,
- the condition and significance of the native flora on the land and whether it should be substantially retained, and
- the provision and quality of habitats for indigenous and migratory species, and
- the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity, and
- any wetland in the vicinity of the proposed development and any proposed measures to minimise or mitigate those impacts.

Before granting consent to development to which this clause applies the consent authority must be satisfied that—

- the development is sited, designed and managed to avoid potential adverse environmental impacts, or
- where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts.

Discussion

Similar with the flooding assessment above, the proposed development is not considered to have any impact on wetland health or function.

Clause 7.6 Development on Riverfront Areas

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.

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.

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—
 - o pollution or siltation of the Murray River,
 - o any adverse effect on surrounding uses, riverine habitat, wetland areas or flora or fauna habitats,
 - o 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 not within the riverfront area.

Clause 7.7 Riparian land and Murray River and other watercourses – general principals

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. As such, no bank stability, water quality or flora and fauna issues are identified, and the proposal will not increase the extent of water extracted from the Murray River.

Clause 7.8 - Additional provisions—development on river bed and banks of the Murray River

The objectives of this clause are as follows—

- *to manage and maintain the quality of water in the Murray River,*
- *to protect the environmental values, scenic amenity and cultural heritage of the Murray River,*
- *to protect the stability of the bed and banks of the Murray River,*
- *to limit the impact of structures in or near the Murray River on natural riverine processes and navigability of the River.*

Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied of the following—

- that the development is likely to contribute to achieving the objectives of the zone in which the land is located,
- that the development will not increase erosion,
- that the development is not likely to cause an adverse effect on riverine habitat or flora or fauna habitats,
- that the development will not cause an adverse effect on drainage or flow patterns.

Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—

- that the proposed structure will not be located on an outside bend of the Murray River,
- that the appearance of the proposed structure, from both the Murray River and any adjacent land, will be compatible with the surrounding area,
- that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.

Discussion

The proposed structure is not within the riverbank.

Wentworth Development Control Plan

Chapter 4 – Residential Development Controls

4.1.1 Site Context and Analysis

As mentioned previously in this report, the subject land is a standard sized parcel located in an established residential area. The proposed development will be consistent with all other lots within the street by providing development ancillary to a single dwelling.

4.1.2 Streetscapes

The proposed works will not alter the existing streetscape.

4.1.3 Front Setback

Not applicable for this application.

4.1.4 Side setbacks and Corner Lot Setbacks

Both proposed developments are setback in excess of the requirements contained within this clause.

4.1.5 Rear setbacks

Not applicable for this application.

4.1.6. Walls on Boundaries

Not applicable for this application.

4.1.7 Building heights and overshadowing

Given the height of the proposed works and distance from the adjoining dwellings, it is considered that the height will not impact on the nearby dwellings located on both adjoining properties.

4.1.8 Site Coverage

Due to the size of the site, it is considered that site coverage is met.

4.1.9 Private Open Space

Not applicable for this application.

4.1.10 Energy Efficiency and Solar access

Not applicable for this application.

4.1.11 Daylight to existing windows

Not applicable for this application.

4.1.12 North-facing windows

Not applicable for this application.

4.1.13 Overlooking

Not applicable for this application.

4.1.14 Fencing and Retaining Walls

Not applicable for this application.

4.1.15 Car Parking and Vehicle Access

Not applicable for this application.

4.1.16 Cut and Fill

The extensions are to be located on areas that are currently established.

State Environmental Planning Polices (SEPP)

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Clause 5.9

When this Part applies, the following must be taken into account—

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.*

Discussion

As mentioned numerous times previously, the development will have minimal impacts on the health of the Murray River and not create any further risk to human life.

General Assessment

Visual Impacts

Please refer to DCP assessment.

Open Space

Please refer to DCP assessment.

Overshadowing and Privacy

Please refer to DCP assessment.

Noise

Not applicable for this application.

Erosion Control Measures

No specific erosion control measures are considered necessary for this development. As discussed previously, earthworks will be appropriately battered and retained.

Economic and Social Impacts

Given the residential nature of this development, economic or social impacts on the locality are not envisaged.

Environmental Benefits

Due to the nature of this development, no significant environmental benefits are envisaged.

Disabled Access

Not applicable for this application.

Security, Site Facilities and Safety

Not applicable for this application.

Waste Management

Not applicable for this application.

National Construction Code

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

Traffic

Not applicable for this application.

Stormwater/flooding

The extensions will be connected to the existing stormwater system located on the site.

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 shed is appropriate for the site as it:

- Supports the objectives of the Zone R5 - Large Lot Residential;
- Is appropriately located on the subject site;
- Will have an acceptable impact on the locality in terms of amenity and visual dominance; and
- Will not result in any detrimental impacts on the environment.

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 dwelling and shed additions as described in this report at 12 Murray Street, Gol Gol.

 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: DA2025/097 & PAN 538135
Property Title & Address: P283/43 12 Murray Street Lot 4 DP 758456 Gol Gol
Property owner(s): Sonya Baker
Applicant(s): JACKSON PLANNING – Matt Jackson
Proposal: Pergola and Storage Shed extension
Previous DAs: DA12/039 Shed
 DA2020/140 Fence & gates to front boundary
 DA2021/016 Dwelling with garage, swimming pool / spa
 &
 extension to existing storage shed
 S4-55/2021/014 Modify DA2021/016 Dwelling with
 garage,
 swimming pool / spa & extension to existing storage
 shed
Cost of proposed development: \$17,600.00

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 4 Section 27 DP 758456 located in Gol Gol, NSW. The Lot has an area of 9687 m² and connects to Murray Street from the north which links it to the surrounding area.

The subject site is zoned R5 Large Lot Residential under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The subject site is a slightly irregular shaped Lot and adjoining Lots are used for residential dwellings and associated structures. The site does not contain a heritage item or is located within the heritage conservation area. The site is not located within the bushfire prone mapping. It is located within the terrestrial biodiversity, wetlands, floodway, and flood planning mapped area.

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the construction of a pergola and storage shed extension associated with the existing dwelling on the subject site.

The applicant notes that part of the storage shed extension is for use only as it has already been constructed on the site.

The proposed pergola has a length of 8.2m, a width of 7.2m and a height of 3 metres.

The storage shed extension is adjoining the existing ancillary structures located along the northeastern boundary. The use only component is 5 metres, while the new extension is 5 metres. The height will remain consistent with the existing shed height of 3.6m.

NOTE: It appears that the extension to the shed does not match that approved under S4-55/2021/014 – the proposal looks as though the septic tank will be located inside the storage shed extension. Also, what is on the ground when viewed through near maps does

not line up with the plans approved. This has been mentioned to the building surveyor via the H&P memo DOC/25/12865.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

N/A

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed development is located on land under 1ha in size, with the proposed development not proposing clearing of native vegetation, and no known koala habitat exists in the area. The proposed development occurs on previously disturbed land behind the building line of the existing dwelling on the site. The proposed development is not anticipated to have any greater impact on the riverine environment than that already existing on the site, therefore, no further assessment against this clause has been completed.

Wentworth Local Environmental Plan (LEP) 2011

The proposed development of a pergola and a storage shed extension can be **permitted with consent** as the development meets the zone objectives for R5, on which the site is located. The proposed development will be used in conjunction with the existing dwelling on the site as ancillary development.

Objectives of zone:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To restrict the construction of new residential and other sensitive uses in flood prone areas.

5.21 Flood planning

Although the proposed site for the pergola and storage shed extension are located on land mapped as flood prone land, the storage shed extension will be located inland of the existing dwelling and distanced from the Murray River. The pergola will be in the flood planning area with conditions to mitigate and manage impact. It is not anticipated that these developments pose any greater impact than that of the existing development upon the site.

7.1 Earthworks

Any earthworks will form part of this approval and will be ancillary to the main approval for a pergola and an extension to the existing storage shed. Standards will still need to be followed during any earthworks.

Clause 7.4 Terrestrial Biodiversity

The proposed development complies with this clause as the development does not propose the removal of native vegetation or impact upon the riverbank.

Clause 7.5 Wetlands

Although the proposed development is occurring on land impacted by wetland mapping the development itself will be located on the previously disturbed footprint of the existing dwelling and other associated structures, outside of the wetland mapped area.

Wentworth Development Control Plan (DCP) 2011

The proposed development is acceptable against the relevant provisions of the Wentworth Development Control Plan (DCP) 2011 as outlined in the table below.

Wentworth DCP	Chapter	Y	N	N/A	Further information
	Chapter 4 4.1.1 Site context	X			The proposed development of a pergola and an extension to an existing storage shed meets site requirements, and works in conjunction with the existing dwelling and other associated structures on the site.
	4.1.2 Streetscape	X			The proposed development of a pergola and an extension to an existing storage shed is in keeping with existing development on the site and does not cause conflict with surrounding development.
	4.1.3 Front Setback			X	Setbacks are not relevant as the proposed development is occurring in between existing development on the site.
	4.1.4 Side setbacks			X	Setbacks from boundaries are met as the development is aligned with existing development on the site and proposes not further encroachment toward surrounding boundaries.
	4.1.5 Rear setback	X			Meets rear setback.
	4.1.6 Walls on Boundaries			X	N/A as no walls on boundaries.
	4.1.7 Building heights and overshadowing			X	Development not anticipated to cause impact through overshadowing.

	4.1.8 Site Coverage	X			The site is a large allotment with the total existing and proposed development under 60% site coverage.
	4.1.9 Private open space	X			Site offers adequate room for private open space.
	4.1.10 Energy & solar access			X	N/A as not a dwelling.
	4.1.11 Daylight to existing windows			X	N/A as not a dwelling.
	4.1.12 North facing windows			X	N/A as not a dwelling.
	4.1.13 Overlooking			X	N/A as not a dwelling.
	4.1.14 Fencing and retaining walls			X	N/A as fencing not part of this application.
	4.1.15 Car parking and vehicle access	X			Site offers adequate room for parking and manoeuvrability of vehicles.
	4.1.16 Cut and fill	X			To be conditioned if approved.

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The site is surrounded by similar land uses (residential).

Public domain & Streetscape	X			The proposed development will not be visible from the street for any impact.
Landscaping			X	N/A not part of this application.
Stormwater	X			Stormwater to be managed by the beneficiary.
Heritage	X			None onsite.
Soils & Soils Erosion	X			Conditions of consent to mitigate and manage any impacts.
Air and microclimate	X			Proposed development not anticipated to cause impact.
Water Resources	X			No impact anticipated.
Biodiversity (Flora & Fauna)	X			No removal of native vegetation proposed.
Land Resources	X			None located on the site expected to impact the proposed development.
Utilities	X			Utilities are available to the site and service the current development on site.
Access & Parking	X			The site has ample room for parking and access.
Roads & Traffic	X			No new roads are proposed, traffic increase only anticipated during construction.
Solar Access and Energy Efficiency			X	N/A to this application.
Overshadowing			X	N/A to this application.
Privacy & Overlooking			X	N/A to this application.
Flooding	X			The site is flood impacted. Conditions of consent will be included to mitigate and manage impacts.
Bushfire Prone Area			X	Not within bushfire mapped area.
Noise	X			Noise increase anticipated during construction only. Hours of work to be conditioned.
Technological hazards	X			None anticipated from the development.
Safety, Security & Crime Prevention	X			Development will not impact the safety or security of the area.
Social and Economic Impacts	X			No negative impacts anticipated.

(5) The suitability of the site for development

The site is suitable for the proposed pergola and extension to an existing storage shed as it will not increase any environmental impact of the locality. The proposed development is permitted by the R5 Large Lot Residential zoning of the area under the Wentworth LEP

2011 as development ancillary to the existing dwelling on the site. The character and use of the proposed development is consistent with existing developments in the surrounding neighbourhood.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days as per councils Community Participation Plan. No submissions were received.

(7) The public interest

The proposed development is consistent with public interest as it will have no detrimental effect on the surrounding area. Moreover, no objections were made by the surrounding.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	H&P memo sent to Mark Scott 13 June 2025 Response received 16 July 2025: BCA Classification: 10a <u>Comments</u> - Existing shed extension appears to have been constructed larger than approved originally, meaning this application will be partly retrospective. This part may need to be addressed under a BIC. - The addition should not extend over the existing AWTS. The AWTS plant may need to be relocated if the applicant wishes to proceed with the addition as shown. RFI added to portal 21 July 2025 During assessment it has been noted that the storage shed extension proposed within this application, and the existing development previously approved under DA2021/016, are not consistent, with development constructed on the site larger than that within this previous approval. The section of the storage shed that does not have approval cannot be granted approval retrospectively. Council advises that a Building Information Certificate will be required for this section of the development.

		Council recommends this application is withdrawn and the applicant reapplies for development consent for the section of the storage shed to be constructed and the pergola. Council notes that the new section of the storage shed appears to be over the existing AWTS unit on site, and do not support this structure in this location. Amended plans are required showing the proposed storage shed extension that does not impact the AWTS plant.
Subdivision Engineer		
Roads & Engineering		
Finance & Policy		
Heritage Advisor		
Environmental Health		
Local Laws		
Floodplain Mgt Committee		
Sustainable Infrastructure		

CONCLUSIONS

1. General comments:
2. The proposal satisfies the points for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned R5 Large Lot Residential. The proposal is not considered to have detrimental impact on the site and surrounds.
4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal meets Chapter 4 recommended provisions of the Wentworth Shire Development Control Plan (DCP) 2011.

5. The proposed extension to existing storage shed and pergola accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Approve the application for the pergola (only) subject to conditions of consent.

Refuse the application for the storage shed extension on the following grounds:

- a. Building works were completed without consent.
- b. Retrospective approval cannot be provided by Council.
- c. There is no Building Information Certificate approval in place.

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Kerrie Copley Planning Officer	
Date: 06/08/2026	Date:

 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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DA2025/097 EXTENSION TO EXISTING STORAGE SHED & PERGOLA 12 MURRAY STREET LOT 4
SECTION 27 DP 758456 GOL GOL

GENERAL CONDITIONS

1.	Approved development Approval is for the construction of the pergola (only). 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 Plan by Aspire Architecture; Project No: AA20-007; Sheet No: WD-A01; Date: FEBRUARY 26 2025. • Floor Plan & Elevations – Pergola by Aspire Architecture; Project No: AA20-007; Sheet No: WD-A04; Date: FEBRUARY 26 2025. 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- 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.	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.
6.	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.
7.	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

8.	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.
9.	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.
10.	Building material and flooding Any building elements below the 1% AEP flood level must be of a durable nature suitable for prolonged periods of inundation. Condition reason: To ensure building materials suitable for inundation are used.
11.	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.
12.	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.

13.	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.				
14.	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>\$256.00</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 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.	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections)	\$256.00
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections)	\$256.00				
15.	Plumbing and Drainage Before issuance of the Construction Certificate, a Plumbing and Drainage Application under Section 68 of the Local Government Act NSW 1993 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.
16.	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.
17.	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.
18.	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.
19.	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.

	Condition reason: To control development in the road reserve.
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BEFORE BUILDING WORK COMMENCES

20.	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.
21.	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.
22.	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 individuals 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.
23.	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.
24.	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.
25.	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.
26.	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.
27.	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.
28.	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

29.	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.
30.	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.
31.	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.
32.	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.
33.	Encroachment of easements No works are to encroach over any easements. Condition reason: To ensure works are not carried out over easements.
34.	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.
35.	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.
36.	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.
37.	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.
38.	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.
39.	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.
40.	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.
41.	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.
42.	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

43.	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).
44.	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.
45.	Occupation Certificate The building/structure 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.
46.	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.
47.	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.
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OCCUPATION AND ONGOING USE

48.	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
49.	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.
50.	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.
51.	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.

9.20 DA2026/063 TWO LOT BOUNDARY RE-ALIGNMENT LOT 5 DP 1253993 AND LOT 3 DP 1250369 POMONA

File Number: RPT/26/401

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 (DA2026/063) was lodged with Council for a two (2) lot boundary adjustment at Lot 5 DP 1253993 and Lot 3 DP 1250369 Pomona.

Under the *Wentworth Local Environmental Plan 2011* (WLEP 2011), subdivision (which includes boundary re-alignments) is a development type permitted with consent.

The proposed development will adjust the existing boundaries between allotments from 13.8ha and 4876.279ha to 19.24ha and 4,870.9ha.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification five (5) submissions were received by Council, although one was subsequently withdrawn, raising concerns to the proposed development.

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 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) of the WLEP 2011, none of which include a subdivision. The proposed boundary re-alignment 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 development is for land with river frontage, with a variation of 100%.

As per Council delegations, applications with more than 10% variation and any development applications with three (3) or more submissions cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve DA2026/063 for a two lot boundary re-alignment at Lot 5 DP 1253993 and Lot 3 DP 1250369 Pomona subject to conditions.
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 DA2026/063, having consideration to the details both within this report and the attachments provided.

Background

A development application (DA2026/063) was lodged with Council on 15 April 2026 for a two lot boundary re-alignment at Lot 5 DP 1253993 and Lot 3 DP 1250369 Pomona.

Under the RU1 Primary Production zoning of the Wentworth Local Environmental Plan 2011 (WLEP 2011), the proposed development (2 lot boundary re-alignment) is permitted with consent.

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 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 boundary re-alignment. 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 boundary adjustment affects land on river front areas – defined to be 30m from the top of bank of the Murray River (itself defined in the WLEP 2011 to include the Darling River and the Great Darling Anabranch).

Refer to attachment 1 – Development Application

Refer to attachment 2 – Statement of Environmental Effects

Refer to attachment 3 - Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the Environmental Planning and Assessment Act 1979 as relevant to the development.

The proposed 2 lot boundary re-alignment is permitted with consent under the RU1 Primary Production zone under the WLEP 2011.

The proposed development meets the relevant provisions of Chapter 5 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The proposed development for two (2) lot boundary adjustment is listed as being permitted with consent and meets the zone objectives of the RU1 Primary Production zone under the WLEP 2011.

The proposed boundary re-alignment would create allotments that are below the minimum lot size of 10,000 ha. However, clause 4.2D of the WLEP 2011 provides a pathway for boundary

re-alignment of land that would create allotments below the minimum lot size. Assessment of the development has shown compliance with matters for consideration under clause 4.2D.

The boundary re-alignment does not meet the setback standard under clauses 7.6 and the clause 4.6 variation request provided by the applicant provided adequate justification for the contravening of development standards contained in Clause 7.6.

Due to the WLEP 2011 mapping impacting the land, the development application was assessed against clauses 7.4, 7.5, 7.6 and 7.7 of the WLEP 2011. The development application was able to satisfy matters for consideration under these clauses. Although the development did not comply with clause 7.6, a 4.6 variation was provided with enough justification to allow the development.

Due to the nature of the proposed development, it was assessed against Chapter 5 of the Wentworth Development Control Plan (DCP) 2011. The development complies with provisions under this chapter.

During public notifications five (5) submissions were received by Council, although one was subsequently withdrawn, raising concerns to the proposed development. A summary of the concerns and assessors' response are shown within the attached s4.15 assessment report.

Refer to attachment 4 – s4.15 Assessment Report

Refer to attachment 5 – Applicants response to submissions

Refer to attachment 6 – Submissions (excluding withdrawn submission)

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 DA2026/063 for a two lot boundary re-alignment at Lot 5 DP 1253993 and Lot 3 DP 1250369 Pomona subject to draft conditions.

Legal, strategic, financial or policy implications

Should Council issue a determination to the application, the applicant has the right to submit a request for review of the determination to Council under Section 8.2 of the Environmental Planning 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 approve DA2026/063 subject to draft conditions.

Attachments

1. Development Application (under separate cover)⇒
2. Statement of Environmental Effects↓
3. Plans⇒
4. S4.55 Assessment report↓
5. Applicant Response to Submissions (under separate cover)⇒
6. Submissions excluding withdrawn submission (under separate cover)⇒
7. Draft Conditions of Consent↓

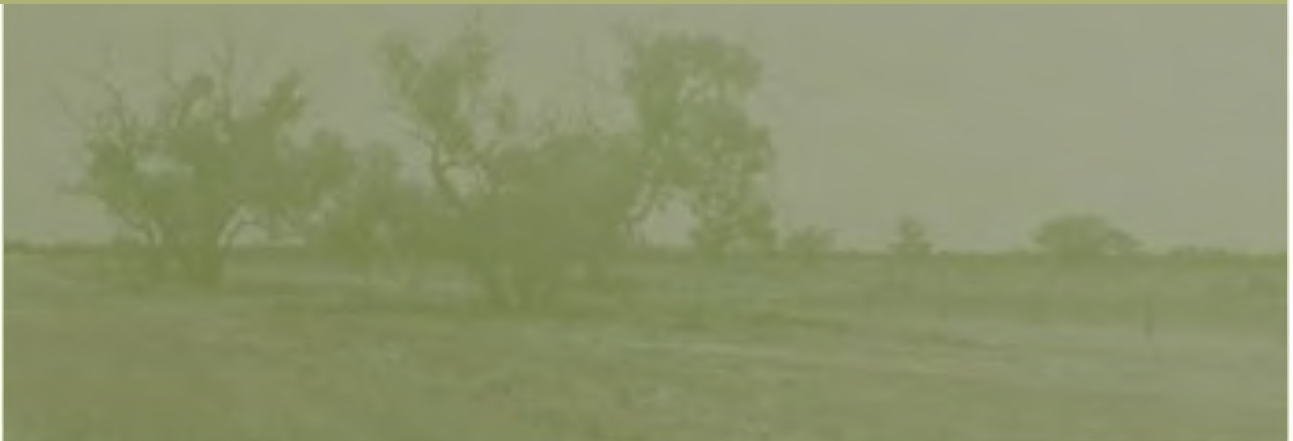
Statement of Environmental Effects

372 and 1476 Low Darling Road, Wentworth
Lot 5 DP1253993 & Lot 3 DP1250369

December 2025

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Introduction

Development approval is sought for a boundary adjustment between two lots. The legal description of the lots is Lot 5 on DP 1253993 (1476 Low Darling Road) and Lot 3 on DP1250369 (372 Low Darling Road) in Wentworth.

The existing configuration of Lot 5 DP 1253993 consists of multiple separate parts linked by a vinculum. The southeastern most portion of the land is located east of the Low Darling Road between Cudmore Road and the Darling River. This portion of the land is remote from the main landholding of Junction Vineyards (client) and not actively used or managed by Junction Vineyards.

It is proposed for this portion of the lot to be consolidated with Lot 3 DP1250369 by way of a minor boundary adjustment. The boundary adjustment will enable the land to be included in the developing agricultural pursuits of Lot 3 DP1250369 and for it to be actively managed. At present no land management activities are undertaken due to its remoteness from the main Junction Vineyards operation to the north.

The land is located in the RU1 Zone – Primary Production, and the boundary adjustment is appropriate given the contents of the Wentworth Local Environment Plan (LEP) and Wentworth Development Control Plan (DCP):

- ♦ The proposed boundary adjustment is permitted with consent under Clause 4.2D of the LEP as it aims to improve the agricultural viability of the land.
- ♦ No adverse impact on the existing character or amenity of the area will result.
- ♦ The proposed boundary adjustment is consistent with the layout of the locality and functional aspects of the land.
- ♦ The boundary adjustment will allow for efficient operations and management of the land.

As a result, the proposed boundary adjustment should be supported with the issue of development consent.

Background

A development application for the proposed subdivision was previously lodged in 2024. At the time, matters concerning land use on Lot 3 were unresolved. During the notification period of the application, four (4) submissions were received which included concern regarding the unresolved land use.

As a result of the submission, the application was heard at a Council meeting on 26 June 2024. While the Council officer recommendation was to approve the application, the decision by Council was to defer the item pending further information. Subsequent to the decision to defer, the application was withdrawn on the 19 July 2024, to allow the respective parties to resolve outstanding matters.

Since consideration of the previous application for subdivision an alternative subdivision layout was put forward by representatives of the landowner of Lot 5 DP 1253993. The alternative arrangement was to consolidate the eastern most portion of Lot 5 DP 1253993 with Lot 1 DP 1106411. The layout was understood to resolve previous land tenure and easement issues. The offer was declined by the landowner of Lot 1 DP 1106411.

As matters relating to the land use have since been resolved through the issue of development consent for the use of land for a depot (DA2024/016) and operation consent for the construction of a dwelling (DA2021/011), the application for the boundary adjustment is being resubmitted.

While the previous application was withdrawn to allow resolution of outstanding matters, it is noted that decisions are to be made in accordance with Section 4.15 of the *Environmental Planning and Assessment Act*, with consideration limited solely to the proposal itself. Any additional matters raised in submissions that fall outside the scope of the proposal are not relevant to the determination of the development application.

Proposal

Existing conditions

The application seeks development approval for a boundary adjustment between two (2) lots. The legal description of the lots is Lot 5 on DP 1253993 and Lot 3 on DP 1250369. The combined lots occupy an extensive area to the north of the Darling River spanning across both the east and west of High Darling Road and Low Darling Road. Details of the lots are as follows:

Table 1 Existing conditions of the lots

Lot	Area	Use
3/DP1250369	13.84 ha	Agriculture and dwelling
5/DP1253993	5,067 ha	Irrigated horticulture and remediation land

Lot 5 DP 1253993

Covering an extensive area and divided into several parts, Lot 5 includes a number of uses include irrigated horticulture to the northeast operated by Junction Vineyards. Connected by vinculum, the parts of the lot to the south are well removed from the larger parts to the north with several small parts that are difficult to manage under the current lot configuration, see figures 1 and 2. Lot 5 extends to the south with parts either side of Low Darling Road including a small part to the east of Lot 3 DP1250369. This part has an area of 5.397 ha and is currently not under active management due to its distance from the primary Junction Vineyards operations.

Lot 3 DP1250369

Lot 3, also known as 372 Low Darling Road, has an area of 13.84 ha. The lot is undergoing redevelopment to support agricultural pursuits. A recent operational consent (DA2021/011) has allowed for the construction of an approved dwelling to commence and the land also benefits from approval for the use of land as a depot (DA2024/016).



Figure 1 Extent of Lot 5 DP1253993



Figure 2 Southern part of Lot 5 relative to Lot 3 DP1250369

Proposed adjustment

The proposal seeks to adjust the existing boundaries to consolidate the 5.397 ha area of Lot 5 with the 13.84 ha area of Lot 3. This minor boundary adjustment will bring the land under a single ownership, enabling coordinated and active management by the owners, who will reside in



close proximity to the site. The adjustment will also benefit Junction Vineyards by removing the responsibility for managing this portion of land.

The existing and proposed lot layout configurations are as follows:

Table 2 Proposed lot configuration

Lot	Area	Use
Lot 1	5,143.9 ha	Irrigated horticulture and remediation land
Lot 2	19.24 ha	Agriculture and dwelling

As Lot 3 already has approval for a dwelling, the boundary adjustment is solely for the purpose of extending agricultural activities.

The proposed configuration sought by this application results in a pragmatic approach to the functioning and role of the agricultural layout and operations of the land.



Site and surrounding area

Subject site

The subject land consists of two parcels referred to as Lot 5 on DP 1253993 and Lot 3 on DP 1250369 (372 Low Darling Road, Wentworth). The locality of the lots is approximately 14 kilometres north of the township of Wentworth. The extensive area covered by the lots includes a variety of land uses including irrigated horticulture, agriculture, dedicated remediation vegetation, dwelling, depot and undeveloped land.

Lot 5 spans a significant area to both the east and west of Low Darling Road and the east and west of High Darling Road. The land is managed by Junction Vineyards and includes irrigated horticulture to the northeast and centrally located remediation land. The lot is divided into several parts connected by vinculum. The southern most parts are well removed from the larger parts to the north with three separate parts as indicated above. These parts include a small part to the east of Lot 3 DP1250369. This part has an area of 5.397 ha and is currently not under active management due to its distance from the primary Junction Vineyards operations.

Lot 3 is located to the north of the Darling River with direct access from Low Darling Road. The irregular lot has an area of 13.84 ha. The lot is undergoing redevelopment to support agricultural pursuits. A recent operational consent (DA2021/011) has allowed for the construction of an approved dwelling to commence and the land also benefits from approval for the use of land as a depot (DA2024/016).

The land subject to the application has a combined total area of 5,382.04 hectares with numerous road frontages.

Easements and restrictions

The title to Lot 5 includes numerous of easements and several property vegetation plans. Within the area proposed to be consolidated there are two easements identified as 'FF' and 'GG'. Easement 'FF' is a 10m wide easement for carriageway and services. Easement 'GG' is a 10m wide easement for electricity purposes.

The title to Lot 3 includes two property vegetation plans and one 10m wide easement for electricity purposes identified as easement 'GG'.

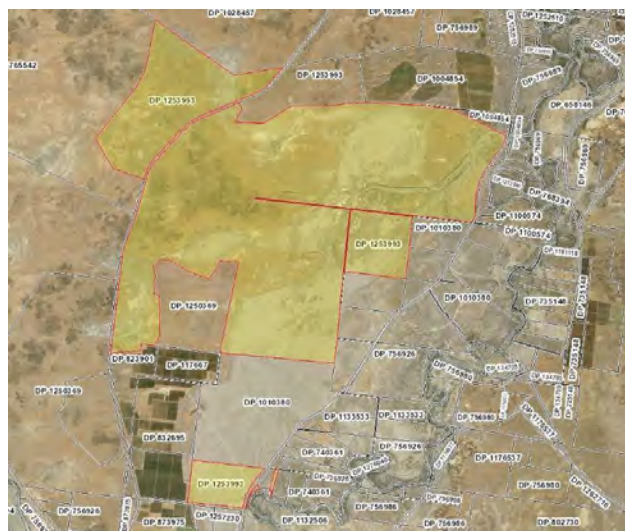


Figure 3 Aerial image of the site – Lot 5



Figure 4 Aerial image of site – Lot 3 and Lot 5 to east

Locality

The locality is largely used for agriculture and horticultural purposes. The locality includes varied lot sizes reflective of proximity to the Darling River. Larger parcels of land, typically to the northern region, contain remnant vegetation and are utilised for livestock grazing.

Dwellings within the area are typically located along the Darling River corridor. A dwelling in separate ownership is located to the southeast of Lot 3 and the south of Lot 5. The land on which the dwelling is located is landlocked with access provided via carriageway easement on Lot 5. The carriageway easement and the access to the dwelling will remain unchanged.



Figure 5 Aerial image of the locality



Figure 6 Location of site and broader area



Planning controls

Definition

Subdivision

In accordance with Section 6.2 of the *Environmental Planning and Assessment Act 1979*, the subdivision of land is defined as:

“...the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

- (a) by conveyance, transfer or partition, or*
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*

Environmental Planning and Assessment Act 1979

The statutory process under the *Environmental Planning and Assessment Act, 1979* requires an evaluation in accordance with the provisions of Section 4.15. The matters for consideration include:

- a) *The provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii. *any development control plan, and*
 - iv. *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the land to which the development application relates,

- 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,*
- c) *the suitability of the site for the development,*
- d) *any submissions made in accordance with this Act or the regulations,*
- e) *the public interest.*

Responses to the relevant matters are outlined in the planning assessment below.

Relevant State Environmental Planning Policies (SEPPs)

SEPP (Exempt and Complying Development Codes) 2008

Subdivision 38 of the SEPP provides exemptions for subdivisions including:

- “(b) a realignment of boundaries-*
 - (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and*
 - (ii) that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and*
 - (iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and*
 - (iv) that will not result in any increased fire risk to existing buildings, and*
 - (v) if located in Zone RU1, RU2, RU3, RU4, RU6, C1, C2, C3 or C4-that will not result in more than a minor change in the area of any lot, and*
 - (vi) if located in any other zone-that will not result in a change in the area of any lot by more than 10%.*

While it is considered that the boundary adjustment will result in only a minor change to Lot 5 (0.10%), the increase to Lot 3 is approximately 39% and therefore not consider to be a minor change.

Relevant provisions of LEP

Zone RU1 Primary Production

In accordance with the Wentworth LEP 2011 zoning maps the land is contained within the Zone RU1 Primary Production.

The objectives of the RU1 are:

- ♦ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- ♦ To encourage diversity in primary industry enterprises and systems appropriate for the area.
- ♦ To minimise the fragmentation and alienation of resource lands.
- ♦ To minimise conflict between land uses within this zone and land uses within adjoining zones.
- ♦ To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- ♦ To enable the development of restaurants and cafes and kiosks as part of agritourism development.

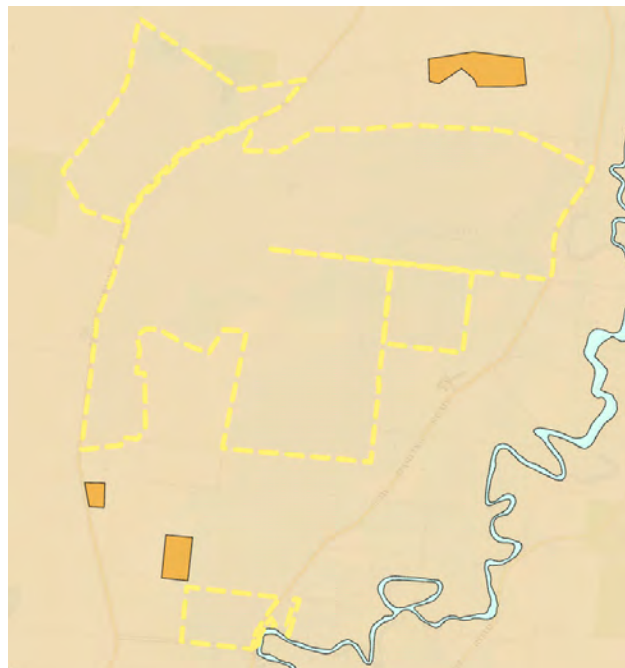


Figure 7 Zone map – Lot 5 DP1253993

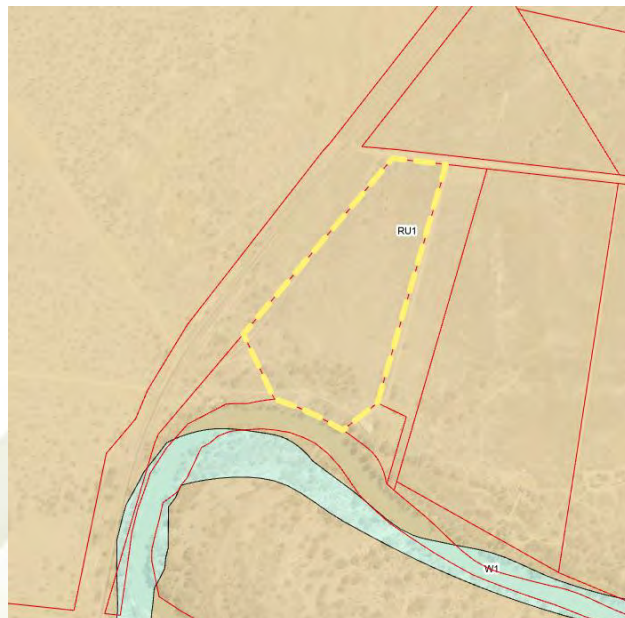


Figure 8 Zone Map – Lot 3 DP1250369

Clause 2.6 Subdivision – consent requirements

The clause provides the following in relation to consent requirements:

- (1) *Land to which this Plan applies may be subdivided, but only with development consent.*

The Plan applies to the subject land and therefore development consent is required to subdivide the land.

Clause 4.1 Minimum subdivision lot size

In accordance with the WLEP Lot Size Map, the minimum lot size is 10,000 hectares.

The objectives of the clause are-

- ♦ *To ensure subdivision of land occurs in a manner that promotes suitable land uses and development,*
- ♦ *To establish minimum lot sizes that are consistent with relevant zone objectives,*
- ♦ *To prevent the fragmentation of productive rural land,*
- ♦ *To ensure subdivision does not inappropriately impact on the natural environmental values of the area,*
- ♦ *To provide for more intensive small lot agricultural uses in areas with access to commercial quantities of irrigation water.*



Figure 9 Minimum Lot Size (10,000 ha) (LEP)

Clause 4.2D Boundary adjustments in Zones RU1, RU4 and C3

The objective of the clause is-

- ♦ *To facilitate boundary adjustments between lots where 1 or more resulting lots do not meet the minimum lot size shown for the land on the Lot Size Map but the objectives of the relevant zone can be achieved.*

An assessment of the relevant matters is outlined in the planning assessment below.

7.4 Terrestrial biodiversity

Through the area of the subject lots, land is affected by terrestrial biodiversity mapping.

The objectives of the clause are to:

- ♦ *Protecting native fauna and flora, and*
- ♦ *Protecting the ecological processes necessary for their continued existence, and*
- ♦ *Encouraging the conservation and recovery of native fauna and flora and their habitats.*

An assessment of the relevant matters is outlined in the planning assessment below.



Figure 10 Terrestrial biodiversity mapping

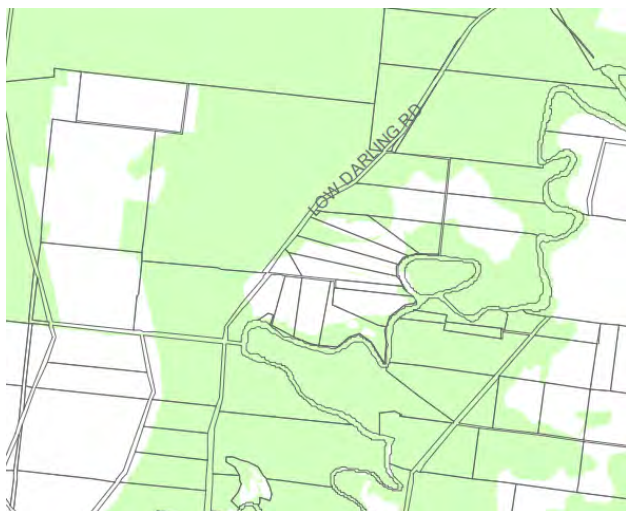


Figure 11 Lot 3 Terrestrial biodiversity mapping

7.5 Wetlands

A small area to the south of Lot 3 is affected by the wetlands map.

An assessment of the relevant matters is outlined in the planning assessment below.



Figure 12 Lot 3 Wetlands Map (LEP)

7.7 Riparian land and Murray River and other watercourses - general principles

A small area to the south of Lot 3 is affected by the Riparian Lands and Watercourses mapping.

The objective of the Clause are 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.*

An assessment of the relevant matters is outlined in the planning assessment below.



Figure 13 Lot 3 Watercourse Map (LEP)

Additional LEP mapping

Biodiversity values mapping affects Lot 5 to the south and within a central area to the north. The biodiversity values mapping also affects Lot 3 to the south.

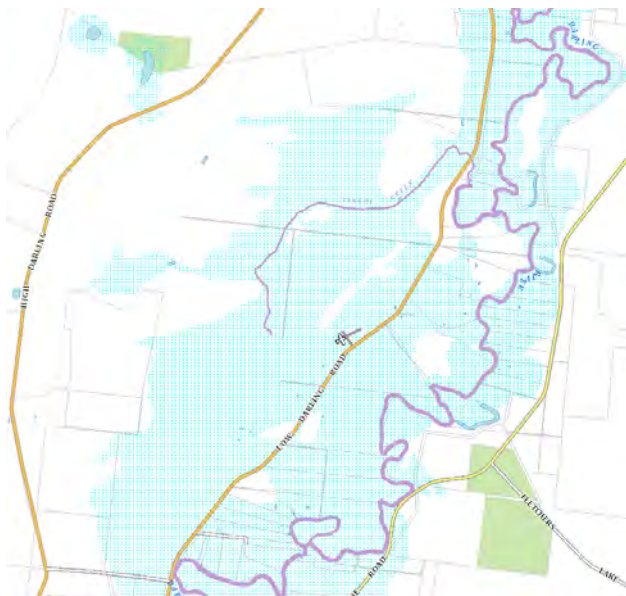


Figure 14 Biodiversity Values Map (BVM)

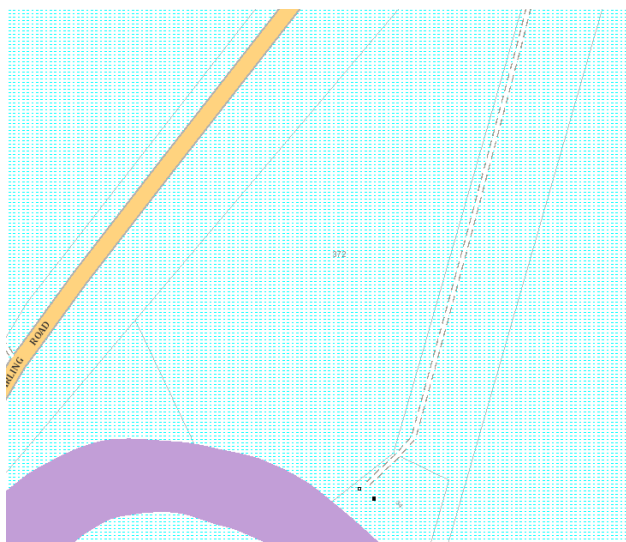


Figure 15 Lot 3 Biodiversity Values Map (BVM)

Wentworth Development Control Plan 2011

Chapter 5.2 (Subdivision) is relevant to the proposal and has the following objectives:

- ♦ Control the density of development in order to limit population growth and maintain the rural character of the area.
- ♦ Promote lots of sufficient size to conduct agriculture and other rural pursuits.

The following controls (as relevant) are outlined in the DCP in Chapter 5.2:

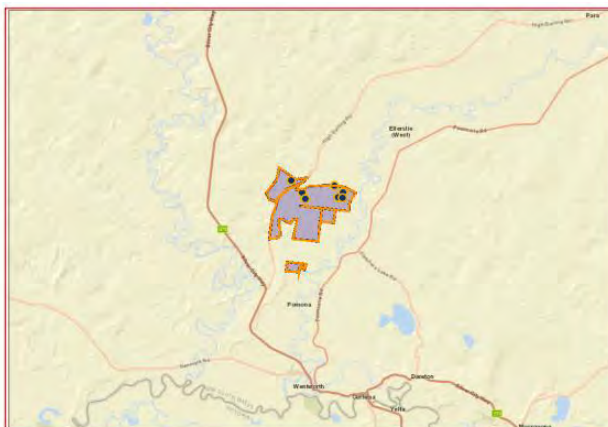
- ♦ The controls outlined in this DCP are additional to the compulsory requirements of State Environmental Planning Policy – Rural Lands 2008 as amended from time to time. In relation to the subdivision of land, the Rural Subdivision Principles must be addressed to the satisfaction of Council.
- ♦ Minimum lot sizes are specified in the lot size maps to the Wentworth Local Environmental Plan 2011.
- ♦ Lots should be designed to maximise useable areas of the site and have regard for the topography.
- ♦ Subdivision design should provide opportunity for the retention of significant landscape features including remnant vegetation, rocky outcrops, water elements, appropriate location of boundary lines and building envelopes.

Aboriginal cultural heritage

All Aboriginal cultural heritage is protected by the *NSW National Parks and Wildlife Act, 1974* (the Act). Responsibility rests with the proponent of development to demonstrate that due care and diligence have been taken to identify and avoid impacts on archaeological sites through construction works.

Division 1 of Part 6 - Aboriginal Objects and Aboriginal Places, of the Act provides defences to a prosecution for an offence. Item (2) of Section 87 includes whether the defendant has exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed.

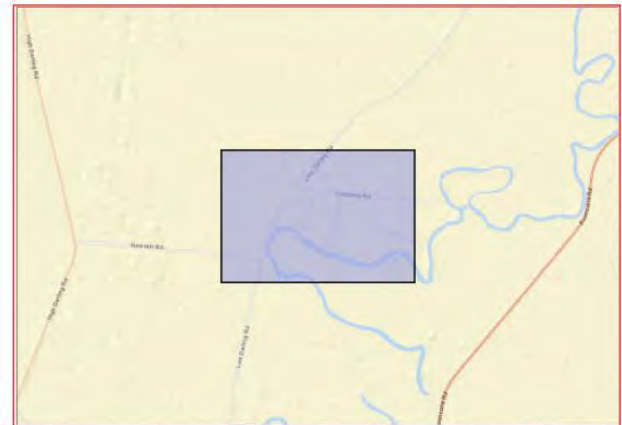
The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW), provides an outline of due diligence measures to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required. A search of the *Aboriginal Heritage Information Management System* (AHIMS) has been undertaken and while aboriginal sites have been identified in the northern part of Lot 5, no Aboriginal sites or places have been identified within the southern parts of Lot 5 or within Lot 3, see figures 17, 18 and 19.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 16 AHIMS search Lot 5



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 17 AHIMS search southern part Lot 5



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

Figure 18 AHIMS search Lot 3

Planning assessment

Environmental Planning and Assessment Act 1979

In response to the provisions of Section 4.15, the following is provided:

- ♦ An assessment against the relevant environmental planning instruments has been provided below.
- ♦ At the time of this submission, no proposed instrument that is or has been the subject of public consultation under the Act or that has been notified to the consent authority has been identified.
- ♦ Responses to the relevant provisions of the Wentworth Development Control Plan are provided below.
- ♦ There has not been a planning agreement entered into or a draft agreement offered under section 7.4 of the Act.
- ♦ No regulations applying to the land to which the application relates have been identified.
- ♦ The proposed boundary adjustment is unlikely to result in environmental impacts as the land to be consolidated with Lot 3 contains little remnant vegetation. The consolidation will ensure the continued management of the land to ensure control of pests and weeds. The frontage to the Darling River at Lot 5 is approximately 20m wide with no activity likely to cause impacts upon the river to occur at this location.
- ♦ The site is considered suitable for the proposed boundary adjustment which will increase the size of a small rural lot with only a minor decrease in the size of a larger holding. The existing carriageway easement and access to a neighbouring dwelling will remain unchanged.

Wentworth LEP Zone

The proposed subdivision aligns with the objective of the Zone RU1 – Primary Production by increasing the size of

a small rural lot to allow for agricultural pursuits and appropriate land management.

Clause 4.1 Minimum subdivision size

The minimum lot size across the two sites is 10,000 hectares. While neither lot will achieve the minimum lot size, Clause 4.2D allows for boundary adjustments resulting in lot areas below the minimum lot size.

The proposal results in a considerable increase of the smaller lot while resulting in only a minor reduction of the larger lot. As such, the proposal will result in lot sizes that are better aligned with the minimum lot size than the current condition.

Clause 4.2D Boundary adjustments in Zones RU1, RU4 and C3

The Clause allows for boundary adjustments resulting in lots below the minimum lot size provided the objectives of the zone are achieved. In response to the relevant matters of consideration, the following is provided:

- ♦ The boundary adjustment will not result in the opportunity for additional dwellings. Operational consent for a dwelling on Lot 3 has recently been granted with no additional dwelling proposed on the larger land holding.
- ♦ For the reasons outlined above, the number of dwellings will remain the same.
- ♦ The boundary adjustment will not result in the potential for land use conflict as the area is a rural locality with agricultural uses included as a primary objective of the zone and currently undertaken within the surrounding area.
- ♦ The boundary adjustment will improve the viability of agricultural opportunity for Lot 3 while having minimal impact upon the continued agricultural activity of Lot 5.
- ♦ No increase in bushfire risk to an existing building will occur due to the intended land use at the consolidated portion of Lot 5.
- ♦ The dominant land uses are agriculture and horticulture. The proposal will allow for the expansion



of agricultural pursuits in accordance with the dominant land use of the area.

- ♦ The proposed boundary adjustment is a pragmatic approach to the characteristics of the land which will result in the eastern boundary of Lot 3 being shifted approximately 90m further east, increasing the size of the small rural lot.
- ♦ The proposed boundary adjustment will ensure ongoing management of the land resulting in an environmental benefit. No additional activity is proposed toward the river frontage.

The proposal aligns with the relevant provisions of the Wentworth DCP as it will enlarge a small rural lot to enhance its agricultural potential. It will also relieve the larger landholding of the ongoing responsibility to maintain land that is surplus to its needs.

The proposed boundary adjustment is consistent with the objectives of Chapter 5.2 relating to rural subdivisions as the resulting lot sizes will be more appropriate for the area and the ability for agricultural uses. No significant landscape features will be impacted by the proposal and significant vegetation will not be impacted.

7.4 Terrestrial biodiversity

The terrestrial biodiversity mapping in the area of the proposed boundary adjustment is limited to a small area in the southern most extent of Lot 3 and Lot 5. No activity is proposed within this area as a result of the boundary adjustment. No additional development is proposed within the affected area and therefore no impacts to the vegetation, habitat, ecological value or biodiversity is expected as a result of the proposed boundary adjustment.

7.5 Wetlands

The area of the subject land affected by the wetlands map is limited to the same small areas as the terrestrial biodiversity mapping. The proposed boundary adjustment does not impede upon the ability for the preservation of natural wetlands. No additional development is proposed within the affected area and therefore no impacts to native flora or fauna, habitats or surface or groundwater are expected.

7.7 Riparian land and Murray River and other watercourses – general principles

No additional development is proposed in proximity to the watercourse and the intent of the boundary adjustment will not impact upon water quality or flows, aquatic or riparian species, bank stability, fish passage, or future rehabilitation.

Wentworth Development Control Plan 2011

Conclusion

The proposed boundary adjustment is considered acceptable for the following reasons:

- ♦ Consistent with the provisions of the *Environmental Planning and Assessment Act 1979*, *Wentworth LEP 2011*, and *Wentworth DCP 2011*.
- ♦ Increases the size of a small rural lot to enhance agricultural productivity and land management.
- ♦ Results in only a minor reduction to the larger rural holding, with no loss of its agricultural viability.
- ♦ Does not enable additional dwellings or create potential for land use conflict.
- ♦ No significant environmental impacts anticipated, including to biodiversity, wetlands, or riparian areas.
- ♦ Maintains existing access arrangements and does not alter easements.
- ♦ Supports ongoing environmental stewardship through consolidated ownership and active management.



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 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:	DA2026/063 & PAN-567308
Property Title & Address:	Related to: P216/023: PROPERTY - Property File - 372 Low Darling Road Wentworth Lot 3 DP 1250369 Related to: P216/024: PROPERTY - Property File - Low Darling Road - Lot 7 9 10 12 13 14 15 DP 1010380 Lot 1 2 5 DP 1253993 P216/024 - 1476 Low Darling Road Lot 5 DP 1253993 Pomona
Property owner(s):	Junction Vineyards Pty Ltd
Applicant(s):	Pinion Advisory
Proposal:	Two (2) Lot Boundary Realignment
Previous DAs:	P216/023 DA2018/034 & DA2021/011 & DA2024/008 & 2024/016 & DA2025/125 P216/024 N/A
Cost of proposed development:	\$0.00
Recommendation of Officer:	Approval, subject to conditions of consent



Figure 1: Aerial view of the site (Lot 3 marked with blue arrow).

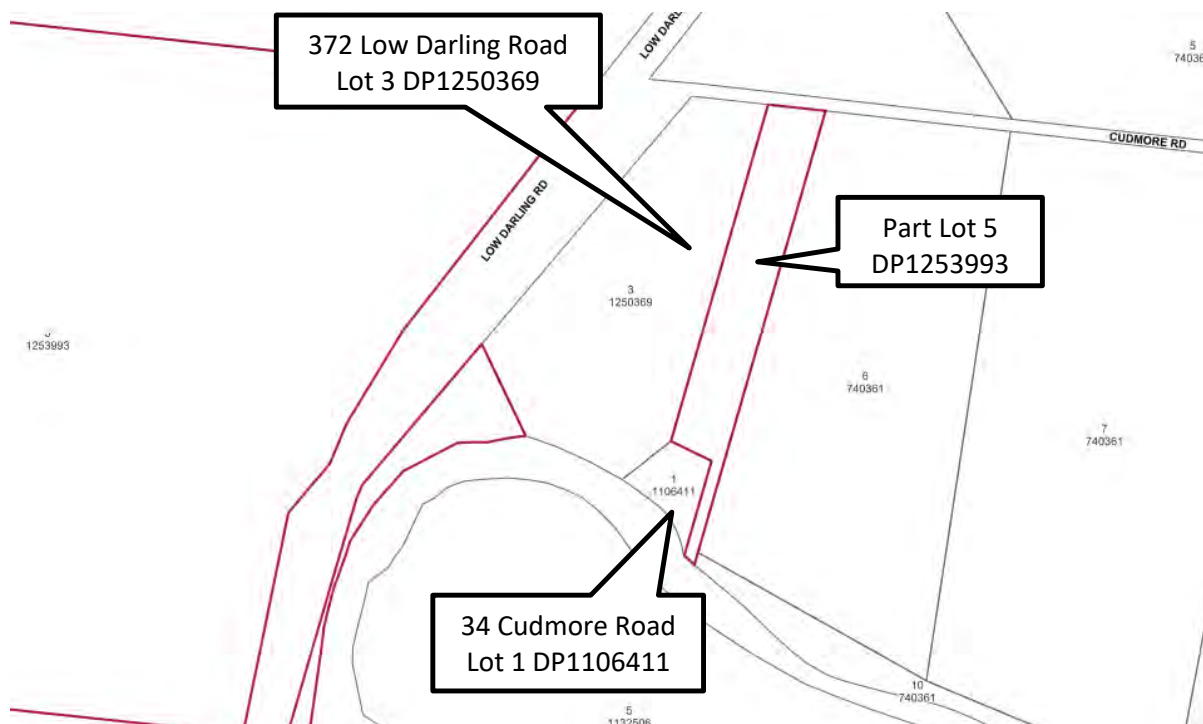


Figure 2: Part Lot 5 is highlighted to the east of Lot 3

SITE AND SURROUNDING DEVELOPMENT

The application is for subdivision by way of a boundary adjustment between Lot 5 DP1253993 (1476 Low Darling Road Wentworth) and Lot 3 in DP1250369 (372 Low Darling Road Wentworth).

Lot 5 DP1253993 is a very large lot and, includes multiple separated parts spread over a large area. One of those parts is the south eastern most part of Lot 5 of 5.397 hectares, which is proposed by this application, to be incorporated into Lot 3 DP1250369 (referred to in this assessment as “Part Lot 5”). Lot 5 is currently under the ownership of Junction Vineyards Pty Ltd.

Part Lot 5 has a frontage to Cudmore Road to the north (of 91.27m), Lot 3 DP 1250369 to the west (of 551.28m), part Lot 6 DP740361 to the east (of 743.3m), and southern boundaries of 71.43m to Lot 1 DP1106411 and 21.64m to the Darling River. Cudmore Road, joins to Low Darling Road. Part Lot 5 also has a narrow battleaxe style frontage to the Darling River of 21.64m.

Part Lot 5 is burdened by an existing right of carriageway and easement for services 10 wide – created under DP1106411 in 2007 for the benefit of Lot 1 DP 1106411 – being 34 Cudmore Road Wentworth. At the time, Lot 3 DP1250369 formed part of what is now Lot 5.

The battle axe handle is also burdened by an easement for electricity purposes 10 wide which is also created under DP 1106411. That easement also burdens and benefits the neighbouring Lot 1 DP1106411 (34 Cudmore Road).

There is no apparent development on Part Lot 5, nor does it appear that the site is currently used for agriculture.

Lot 3 DP1250369 is an irregular shaped lot of 13.84 hectares. It has a frontage to Cudmore Road to the north (of 121.33m), Low Darling Road to the east (of 511.48m), Part Lot 5 to the west (of

551.28m), another section of Lot 5 DP1253993 to the south west (of 161.83m), Lot 1 DP1106411 to the south east (of 97.98m) and a frontage to the low bank of the Darling River to the south (of 177.31m). The lot is burdened by the easement for electricity purposes 10 wide (established under DP1106411). The site includes a dwelling house and outbuildings very close to the Darling River at the south of the Lot. Access to the site is from the southern end of the Lot off Low Darling Road.

Lot 3 was created in May 2019 and was land formerly within what is now Lot 5. Lot 3 is currently under the ownership of Martin Earthworx Pty Ltd.

Sited between Part Lot 5 and Lot 3 adjacent to the Darling River, is Lot 1 DP1106411 known as 34 Cudmore Road Wentworth, which is a Lot of 1.275 hectares. Lot 1 has no direct access to Cudmore Road or any other road other than by the right of carriageway which burdens Part Lot 5. Lot 1 DP1106411 fronts the Darling River and is otherwise landlocked. Improvements include a dwelling house and landscaping.

Prior to the creation of Lot 3 in 2019, DP1106411 created Lot 1 and Lot 2 in DP1106411. Lot 1 is 34 Cudmore Road. Lot 2 in DP1106411 was what is essentially now Lot 5 in DP1253993 (but including the current Lot 3 in DP1250369. Current Lot 3 and Part lot 5 formed part of Lot 2 in DP1106411. The subdivision created (relevantly) a right of carriageway 10 wide and an easement for services 10 wide, which burdened Lot 2 (currently Part Lot 5) and benefitted Lot 1 at 34 Cudmore Road. The easements were created by The State of New South Wales and are indicated as affecting Lot 5 in the title search of Lot 5 DP1253993.

The right of carriageway is illustrated in **Figure 3**. The terms of the right of carriageway are found in Schedule 8 of the Conveyancing Act 1919 and are as follows, however note that there is no requirement for maintenance or repairs to the right of carriageway:

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both to and from the said dominant tenement or any such part thereof.

The terms of the easement for services 10 wide is also found in Schedule 8 of the Conveyancing Act 1919 as follows:

- 1** *The owner of the lot benefited may—*
 - (a) *use each lot burdened, but only within the site of this easement, to provide domestic services to or from each lot benefited, and*
 - (b) *do anything reasonably necessary for that purpose, including—*
 - *entering the lot burdened, and*
 - *taking anything on to the lot burdened, and*
 - *carrying out work, such as constructing, placing, repairing or maintaining pipes, poles, wires, cables, conduits, structures and equipment.*
- 2** *In exercising those powers, the owner of the lot benefited must—*
 - (a) *ensure all work is done properly, and*
 - (b) *cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and*
 - (c) *cause as little damage as is practicable to the lot burdened and any improvement on it, and*
 - (d) *restore the lot burdened as nearly as is practicable to its former condition, and*

- (e) make good any collateral damage.
- 3 For the purposes of this easement, **domestic services** includes supply of water, gas, electricity, telephone and television and discharge of sewage, sullage and other fluid wastes.

Lot 1 DP1106411 is Crown Land and is under a Crown lease ID-396719 or ID4202729. Cudmore Road is Crown Land for road purposes. The land along the western boundary of Lot 3 is Crown Land of approximately 2.9Ha and subject to enclosure permit 678701 dated 1st December 2025 in favour of Martin EarthworX Pty Ltd.

All of the abovementioned sites and their surroundings (other than the Darling River) are zoned RU1 Primary Production.

Site details are in Table 1 and an aerial view in Figure 1.

Table 1: Site details

Zoning of the site	RU1 Primary Production
Heritage	No
Flooding affected	Not mapped, but there is likely to be flood affectation given the location adjacent to the Darling River
Wetlands	The southern part of Lot 3 and southern part of Part Lot 5 (most of the battleaxe handle)
Terrestrial Biodiversity	As per the wetlands mapping
Bushfire affected	The whole of Lot 3 and the majority of Part Lot 5 are vegetation category 1, with the majority of Part Lot 5's battleaxe handle as Vegetation Category 1
Biodiversity Values mapped	Very southern tips of Lot 3 and Part Lot 5 are mapped close to the Darling River
Urban release areas mapped	No
Minimum lot size	10,000 hectares

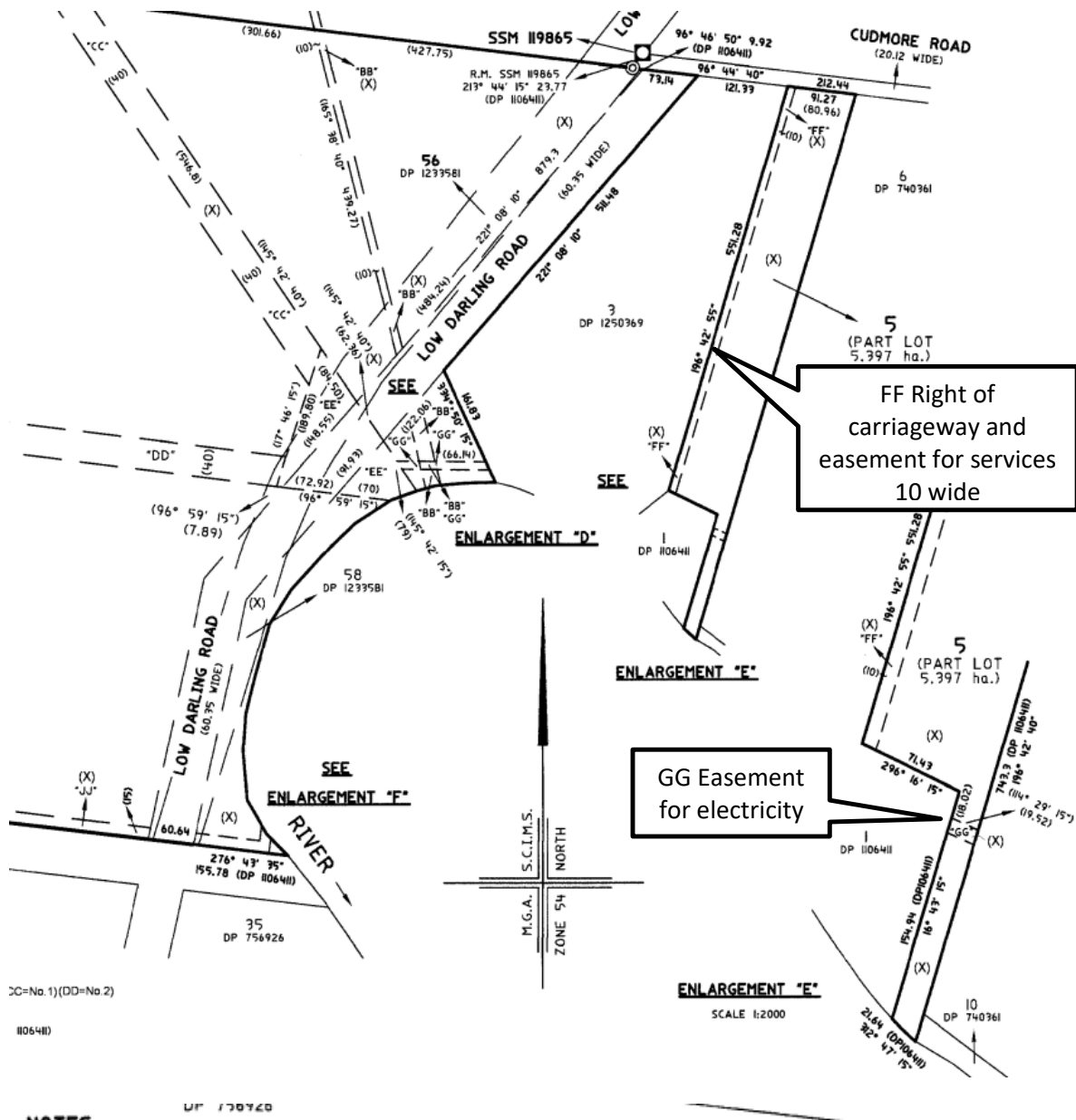


Figure 3: Extract from DP1253993 showing the right of carriageway marked FF benefitting 34 Cudmore Road and easement GG burdening Part Lot 5.

DESCRIPTION OF PROPOSAL

Council has received an application for a boundary adjustment between Part Lot 5 DP1253993 and Lot 3 DP1250369. The effect is:

- that Part Lot 5 will be added to Lot 3;
- the entirety of Lot 5 will be known as Lot 1 in the new subdivision plan and be reduced in size by 5.397 hectares, and
- the current Lot 3 will be known as Lot 2 and increase by 5.397 hectares to total 19.24 hectares. The changes are set out in Table 2.

Table 2: Changes to be effected by the proposal

Lot No	Area	Current use as stated in the SEE
Lot 3 DP1250369	13.84Ha	Agriculture and dwelling. Approval for use for an area of 40m x 15m as a depot granted under DA2024/016. In DA2024/016 it was indicated that the remainder of the lot is used for small scale grazing with the potential for expansion of agricultural operations maintained.
Lot 5 DP1253993	4876.279 Ha	Irrigated horticulture and remediation land
(Part Lot 5)	5.397 Ha	Not under active management due to distance from the primary Junction Vineyards operations (per SEE)
Proposed		
Lot 1	4,870.9 Ha	
Lot 2	19.24 Ha	

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

16 August 2021	DA2021/011 Approval of deferred commencement for construction of a dwelling at 372 Low Darling Road (Lot 3)
25 January 2024	DA2024/008 lodged with Council for the identical subdivision scheme as DA2026/063
7 February 2024	DA2024/016 lodged for erection of a structure, transport depot, jetty and mooring at 372 Low Darling Road (Lot 3)
26 June 2024	DA2024/008 considered by Council in meeting due to there being more than 3 submissions. It was recommended for approval. The matter was deferred.
19 July 2024	DA2024/008 was withdrawn
15 November 2024	S4-55/2024/023 Approved s4-55 modification application modifying DA2021/011
20 November 2024	DA2024/016 approved for use of part of Lot 3 as a depot (40m x 15m) (between 7am and 6pm Monday to Friday) at 372 Low Darling Road. The jetty and mooring were not approved. Equipment was limited to 5 vehicles – being grader, water truck, backhoe, excavator, and truck and trailer.
24 December 2024	Order No. 2024/004 issued under section 9.34 and Item 11 of the table in Schedule 5 Part 1 of the EP & A Act in relation to the unlawful erection of a storage shed, storerooms and amenities constructed without prior development consent and a prior construction certificate.
16 July 2025	Building information certificate approval 24/009 for domestic shed storeroom and sanitary facilities at 372 Low Darling Road

2 September 2025	Approval of DA2025/125 for use of the existing domestic shed with wet area at 372 Low Darling Road. Consent conditions provide it can not be used for habitation and is to be used for domestic purposes only.
8 October 2025	Construction certificate CC2025/046 issued for dwelling construction at 372 Low Darling Road.
15 April 2026	The development application DA2026/063 was lodged with Council.
17 April 2026	The development application was placed on 14 days public exhibition until 1 May 2026. Five submissions were received, although one was later withdrawn.
20 May 2026	A response to the five submissions originally received was provided by the applicant
5 June 2026	A request for additional information letter was submitted to the applicant, requesting the following: 1. The Section 88B Instrument in DP1106411 which created the right of carriageway, easement for services, and easement for electricity purposes - all 10m wide and which are noted as affecting Lot 5 DP/1253993. Note that Council already has a copy of the plan of DP1106411. 2. A clause 4.6 exception request is required in relation to clause 7.6 of the Wentworth LEP. "Development" is defined to include subdivision (section 1.5 of the EP & A Act). The proposed boundary adjustment is a form of subdivision. The boundary adjustment affects land in the river front area (ie within 30m of the Murray River), which itself is defined in the LEP to include the Darling River and the Great Darling Anabranch. Subdivision is not one of the stated purposes in section 7.6(2) of the LEP which are excluded from the need for a clause 4.6 exception request. Insufficient evidence has been provided to demonstrate that the purpose of the boundary adjustment is extensive agriculture or intensive plant agriculture as set out in section 7.6(2)(d). 3. For the purposes of meeting the requirements of: (a) Section 5.12 (4) of Chapter 5 of the SEPP (Biodiversity and Conservation) 2021 which requires consideration of the intended use of the land and the likely effect on the wetland; and (b) Demonstrating consistency with the objective of clause 4.2D of the Wentworth LEP, which requires achievement of the objectives of the RU1 zone; please provide: i. evidence of the currently undergoing redevelopment to support agricultural pursuits (as stated in the SEE) ii. evidence that the land is currently being used for agricultural purposes (small scale grazing) as set out in the SEE iii. describe how the applicant intends to improve the viability of agricultural opportunity on the land (as set out in the SEE) by, for

	instance providing a description of what agricultural activity/primary industry is proposed to be expanded or commenced iv. indicate how the natural resource base will be improved v. Indicate how the continued agricultural use of Lot 5 (being the part to be incorporated into Lot 3), is to be minimally impacted (page 16 of the SEE) when on page 6 of the SEE it is indicated that that area is currently not under active management. vi. You must detail how the objectives of the zone are achieved, as otherwise the gateway requirement of clause 4.2D (being the objective) cannot be reached (see similar reasoning by Preston CJ in relation to section 4.2 of the LEP in David Casson trading as Casson Planning & Development Services v Upper Hunter Shire Council (No 2) [2017] NSWLEC 149)
22 and 23 June 2026	Response to request for additional information received

The location of the recently approved uses and dwelling on Lot 3 (372 Low Darling Road) are shown in **Figures 4 and 5**. The right of way and Part Lot 5 are to the east of the boundary line (ie above the top most boundary in the two figures). Note that the depot use is restricted to a small part of the Lot 3.

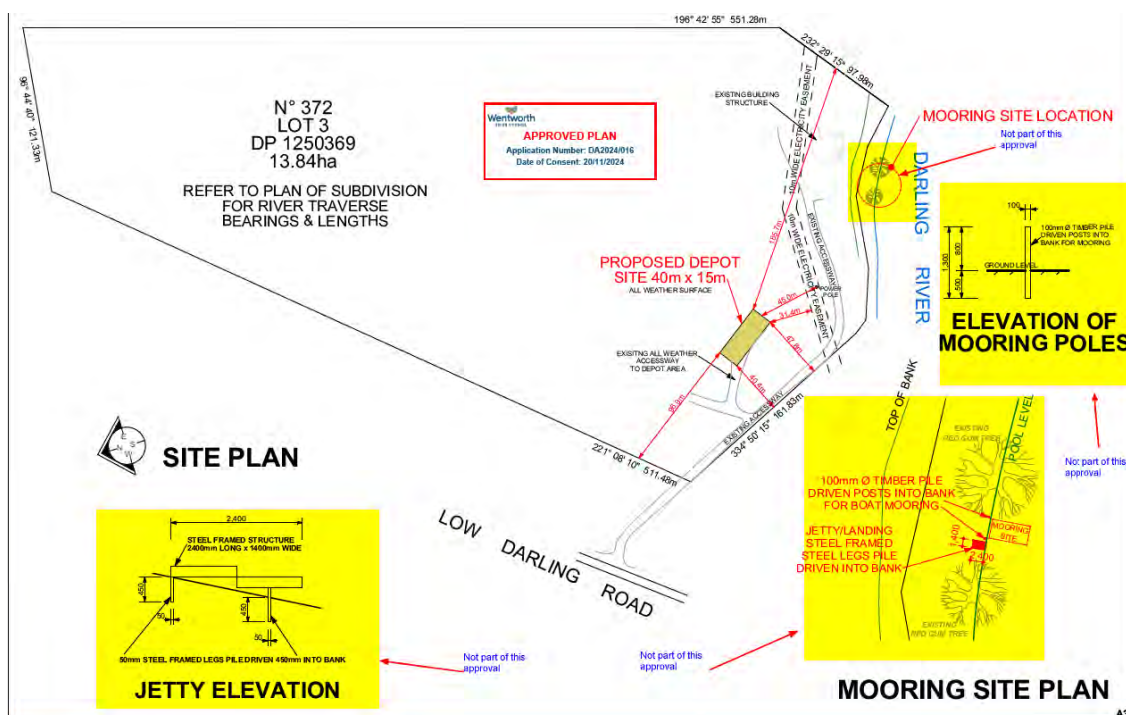


Figure 4: Approved Depot location on 372 Low Darling Road under DA2024/016

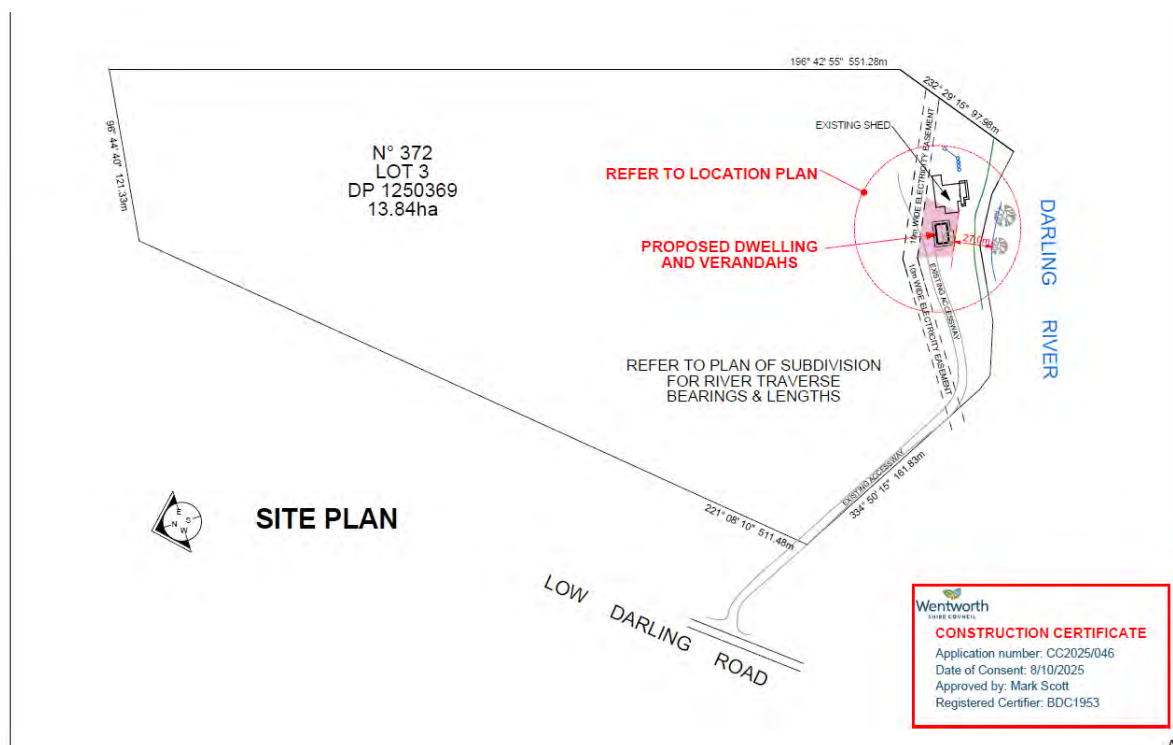


Figure 5: Plan showing the location of the dwelling approved under DA2021/011 and the existing shed for which approval for use was granted under DA2025/125

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 site is in the RU1 zone and the provisions do not apply. No removal of vegetation is proposed. 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 within the RU1 zone and exceeds 1 hectare.

The only koala habitat trees in the Council area are the River Red Gum (*Eucalyptus camaldulensis*). No removal of vegetation is proposed and there is nothing in the application which impacts vegetation on the sites. No koala plan of management is approved for parts of Wentworth Shire Council area. The Far West and South-West Koala Management Area is mostly unsuitable for koalas. Therefore no further consideration of this chapter is required.

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 as the subdivision affects land adjacent to the Darling River – a tributary of the River Murray.

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 comprises the planning control and consultation table. As the application is for subdivision of lands which are mapped as wetlands, (as referred to in part 31 of the Table of section 5.12) consultation was conducted with TfNSW which had no objection comment on the proposal assessed on the grounds of impact to navigation.

Consultation is required with the Department of Planning, Industry and Environment if the development is:

- (a) *likely to significantly affect threatened species, within the meaning of the [Biodiversity Conservation Act 2016](#), section 7.2, and*
- (b) *in the flood planning area.*

Although the land may well be in the flood planning area, the subdivision is not considered to likely significantly affect threatened species as defined, and the referral to DPIE was therefore not considered required.

Section 5.12(4) of Chapter 5 requires that specific matters for consideration listed in the table to section 5.12 must be considered before carrying out the development. Those matters are:

- * *The intended use of the land and its likely effect on the wetland.*
- * *The need to impose conditions relating to—
subdivision design; effluent disposal; the retention or planting of a vegetated buffer; and fencing to exclude stock or vermin.*

The SEE states that Lot 3 is currently undergoing redevelopment to support agricultural pursuits. The response to the Request for Further Information in June 2026 identified active continued

investment to support and enhance the use of the site for primary production, including photographic evidence, of:

- Installation of extensive boundary and internal fencing, including gated access, to define paddocks, manage stock movement, and improve property security
- Construction and maintenance of well-formed internal access tracks, enabling efficient movement of vehicles, machinery, and livestock, and supporting effective paddock rotation
- Provision of multiple stock shelters to improve animal welfare and operational resilience
- Installation of water infrastructure, including numerous stock troughs distributed throughout paddocks to ensure reliable stock watering
- Establishment and refinement of paddock divisions, facilitating controlled grazing and stock rotation to improve pasture condition and productivity
- Implementation of weed and pest management programs, contributing to the protection and enhancement of pasture quality and the broader natural resource base
- Selective ground preparation and clearing (where permissible) to support future cropping or pasture improvement activities
- Maintenance of agricultural shedding for storage of equipment, fodder, and operational materials
- Use and maintenance of on-site agricultural machinery and equipment essential for land management, property maintenance, and primary production activities

The SEE also states that the larger size of (current) Lot 3 will improve the viability of agricultural opportunity and states that the dominant land uses are agriculture and horticulture. The response to the RFI indicates that once consolidated with Lot 3, Part Lot 5 will:

- become part of a single operational agricultural holding;
- be actively managed in conjunction with the balance of Lot 3;
- provide additional grazing land and agricultural production area;
- improve efficiency of fencing, weed management and pest animal control;
- enable more effective land stewardship due to direct proximity to the landowner's residence

The wetlands mapping is relevantly in the battleaxe handle of Part Lot 5 as shown on **Figure 6**.

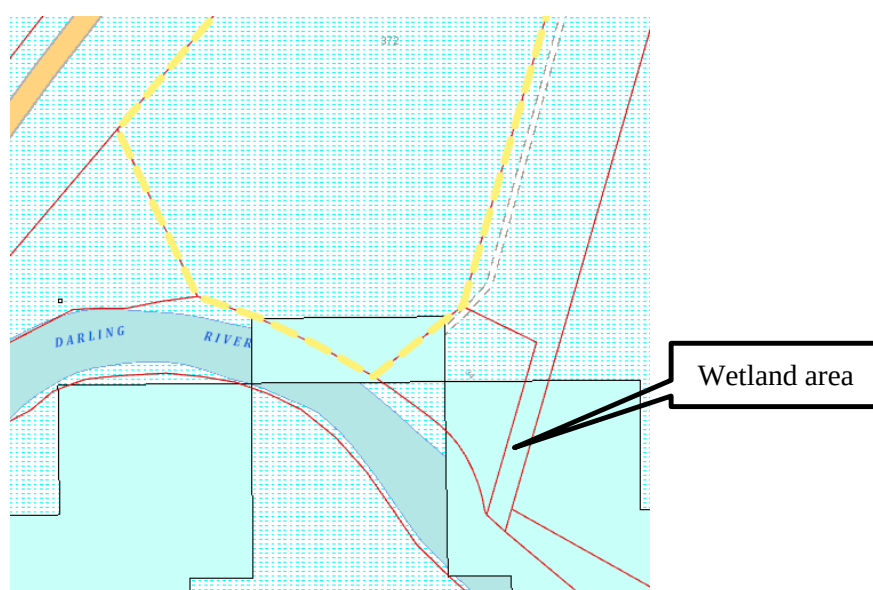


Figure 6: Wetland mapping of the area in pale blue

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 1 Preliminary

Clause 1.9A of WLEP 2011 includes the standard instrument suspension of covenants, agreements and instruments provision, which suspends the operation of covenants which restrict the carrying out of development for the purposes of development.

Subsection (3) is as follows: *This clause does not affect the rights or interests of any public authority under any registered instrument.*

On the western edge of Part Lot 5 is a right of carriageway burdening that land and benefitting Lot 1 DP1106411 (34 Cudmore Road). The covenant was imposed by the State of NSW, as demonstrated by the s 88B instrument accompanying the registration of DP1106411. It remains applicable to development.

Part 2 – Permitted or Prohibited Development

The site is zoned RU1 Primary Production, where subdivision is permissible with consent under clause 2.6 of the WLEP. Consistency with the zone objectives is considered in the discussion concerning clause 4.2D(1).

Part 4 – Principal Development Standards

Part 4 Principal Development Standards are not applicable to this application.

Applicable WLEP 2011	Development Standard	Proposal	Compliance
4.1 Minimum lot size for subdivision	The lot size map shows the minimum lot size as 10,000 hectares	Lot 1: 4870.9 Ha Lot 2: 19.24 Ha	No
4.2 Rural Subdivision in zones RU1, RU3, RU4	Subdivision is possible for the purpose of primary production to create a lot of less than the minimum lot size. Cannot be applied if an existing dwelling would, as a result of the subdivision be situated on that lot (4.2(4)). A dwelling cannot be erected on that lot (4.2(5)). The objective	There is a dwelling currently under construction on the current lot 3 (approved under DA2021/011) and it would be situated on the lot which is less than the minimum lot size. If it is taken that there is an existing dwelling on the lot (albeit only part built), due	No

Applicable WLEP 2011	Development Standard	Proposal	Compliance
	requires allowing land owners a greater chance to achieve the objectives for development in the relevant (RU1) zone	to subsection 4.2(4), the applicant cannot therefore meet the conditions of using this clause. If it is taken that there is no existing dwelling, note that 4.2(5) is a prohibition against a dwelling being erected on the lot should subdivision occur. It is unnecessary to therefore consider whether the subdivision achieves the objectives of the RU1 zone, or whether it is for the purpose of primary production. Given that the applicant is constructing a dwelling, the use of clause 4.2 is not helpful and has not been applied or sought to be relied upon.	
4.2D Boundary adjustments in Zones RU1, RU4 and C3	Consent for a subdivision can be granted if at least 1 lot resulting from the subdivision does not meet the minimum lot size, however the consent authority must be satisfied of various matters in (4) and consider the matters in (5). The objective seeks that the objective of the relevant zone be achieved.	See discussion below	Yes
4.6 Exceptions to Development Standards	(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production,if (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or	(a) There are two lots less than the minimum lot size (b) Both lots are less than 90% of the minimum lot size	No. Therefore clause 4.6 cannot be applied to clause 4.1

Applicable 2011	WLEP	Development Standard	Proposal	Compliance
		(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.		

Clause 4.2D Boundary Adjustments

The application is made relying upon Clause 4.2D of the WLEP which is set out below:

4.2D Boundary adjustments in Zones RU1, RU4 and C3

- (1) *The objective of this clause is to facilitate boundary adjustments between lots where 1 or more resulting lots do not meet the minimum lot size shown for the land on the [Lot Size Map](#) but the objectives of the relevant zone can be achieved.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots,*
 - (c) *Zone C3 Environmental Management.*
- (3) *Development consent may be granted to a subdivision of land to which this clause applies for the purposes of a boundary adjustment between adjoining lots if at least 1 lot resulting from the subdivision does not meet the minimum lot size shown for the land on the [Lot Size Map](#).*
- (4) *Development consent must not be granted unless the consent authority is satisfied—*
 - (a) *the subdivision will not create additional lots or the opportunity for additional dwellings, and*
 - (b) *the number of dwellings on each lot after the subdivision will be the same as before the subdivision, and*
 - (c) *the subdivision will not create the potential for land use conflict, and*
 - (d) *for land in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and*
 - (e) *for land in Zone RU4 Primary Production Small Lots—the subdivision will not have a significant adverse effect on the intensive agricultural viability of the land, and*
 - (f) *for land in Zone C3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and*
 - (g) *the subdivision will not result in increased bush fire risk to an existing building.*
- (5) *In deciding whether to grant development consent, the consent authority must consider whether the subdivision—*
 - (a) *is likely to be incompatible with the dominant land uses in the surrounding area, and*

- (b) *is likely to have a significant adverse effect on the dominant land uses in the surrounding area, and*
- (c) *is appropriate with regard to natural and physical characteristics of the land, and*
- (d) *is likely to have a significant adverse impact on the environmental values of the land.*
- (6) *This clause does not apply—*
 - (a) *to the subdivision of individual lots within a strata plan or community scheme, or*
 - (b) *if the boundary adjustment would create a lot that may be subdivided under clause 4.1.*

The clause applies to the RU1 zoned site.

Preston CJ in *David Casson trading as Casson Planning & Development Services v Upper Hunter Shire Council (No 2)* [2017] NSWLEC 149 considered the equivalent of clause 4.2 of the LEP but in the Upper Hunter LEP 2013. The structure of the provision considered in *David Casson* is not dissimilar to clause 4.2D of the WLEP 2011, in that:

- subsection (1) contains the objective of the clause which references achievement of the objectives of the relevant zone
- Subsection (2) sets out the zones to which the clause applies
- Subsection (3) sets out the purpose for the subdivision

In *David Casson*, Preston CJ [at 136-144] and [180] establishes that subsection (1) contains the first gateway to the use of the clause – namely consideration (in this case) of whether the objectives of the relevant zone can be achieved. It is also considered that there is a secondary gateway in this clause – namely to consider whether the proposal is in fact a “boundary adjustment”.

Secondly, Preston CJ in *David Casson* identified a second gateway provision in subsection (3), namely (in this case) that the purpose of the subdivision is for the purposes of a boundary adjustment. Until satisfaction of those elements arises there is no need to make any discretionary determination.

Clause 4.2D(1) Consideration of the objective (being the achievement of the RU1 zone objectives):

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.*
- *To enable the development of restaurants and cafes and kiosks as part of agritourism development.*

The SEE does not address how the objectives of 4.2D(1) or whether the objectives of the zone are achieved. An RFI requested this information and the response is as follows:

"The proposal satisfies the objective of Clause 4.2D because the objectives of the RU1 Primary Production Zone are achieved.

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base

The proposal facilitates active management of currently underutilised land and supports improved weed, pest and vegetation management outcomes.

To encourage diversity in primary industry enterprises and systems appropriate for the area

The proposal supports expansion of agricultural opportunities on Lot 3 and enables greater flexibility in the operation of the rural holding.

To minimise the fragmentation and alienation of resource lands

The proposal reduces fragmentation by consolidating an isolated parcel with the adjoining property that can effectively utilise and manage the land.

To minimise conflict between land uses

No new land uses are proposed, and there is no increase in development potential. The proposal is limited to a boundary adjustment and maintains the existing rural land use pattern.

The land is zoned RU1 Primary Production, where agricultural activities are the primary and expected use. As such, any dwelling on the land should have a reasonable expectation of adjoining agricultural operations, including livestock grazing, machinery use, and associated rural impacts such as noise and dust.

To encourage and promote growth and diversification of economic and employment opportunities in agriculture and horticulture

The proposal improves the practical utility and productive capacity of Lot 3 and supports continued agricultural use of the land.

Accordingly, the proposal achieves the objectives of the RU1 zone and satisfies the gateway requirement under Clause 4.2D of the Wentworth LEP 2011."

Supporting the above statements, the response to the RFI also provided evidence of agricultural improvements recently made to Lot 3 and the statement that the consolidated Lot would be managed as a single operation in conjunction with Lot 3. Additionally, the RFI response states:

The proposal supports the natural resource base by:

- *bringing currently unmanaged land into active management;*
- *improving weed and pest animal control;*
- *facilitating ongoing monitoring and maintenance of vegetation and riparian areas;*
- *reducing the likelihood of land degradation associated with unmanaged rural land;*

- *improving long-term stewardship through ownership consolidation.*

The proposal itself does not involve clearing, earthworks or physical disturbance. Rather, it improves the management framework through which environmental values can be maintained and enhanced.

The proposed boundary adjustment will only engage to any extent, the first, second, third and fourth objectives considered below:

- **First Objective:** The evidence of infrastructure and agricultural use on Lot 3 is accepted. It is accepted that the remoteness of Part Lot 5 from the majority of Lot 5 is likely to render Part Lot 5 unproductive by the owners and operators of Lot 5. It is noted that subdivision is not necessary to enhance the primary industry production on Part Lot 5, as it would be possible for a lease of Part Lot 5 to be provided to Lot 3. The discussion on benefits to the natural resource base are accepted.
- **Second objective:** The SEE states that there is some agricultural activity being undertaken on Lot 3, although it is noted that there is development consent for a depot on part of Lot 3. The evidence of the existing primary industry on Lot 3 is accepted. Any expansion of the earthworks depot onto Part Lot 5 (which would require development consent) will not encourage diversity in primary industry enterprises. It is accepted that consent is not required for agriculture in RU1 zoned land. As no application for any use is included in the application, the objective is only very peripherally engaged.
- **Third objective:** The proposal will have the effect of consolidating two pieces of land into a single larger area, whilst slightly reducing the size of an already highly fragmented lot (Lot 5). It is considered that the proposal supports this objective.
- **Fourth objective:** There are two considerations here:
 - o **To minimise conflicts between land uses within the zone:** The relevant land uses within the zone for this application are the land uses of a depot and some agricultural use on Lot 3, and the residential use at 34 Cudmore Road which will continue to obtain its only access via the existing right of carriageway. The approved depot use is some 185.7m from the boundary with 34 Cudmore Road. The continued use of a registered right of carriageway for the residential use, should be unaffected by the approved use of a depot at some distance from the right of carriageway, and the (permissible without consent) agricultural uses. The uses themselves will not create conflicts.

What is clear from the submissions, is that there are conflicts between the owners of Lot 3 and occupiers of 34 Cudmore Road in relation to the boundary to the right of carriageway. However, possible breaches of conditions of consent under the various development consents on Lot 3, and alleged intimidatory behaviour, do not of themselves mean that the land uses create conflict. There are numerous examples of an agricultural land use adjacent to the residential land use which coexist without land use conflict.

Development consents run with the land, and do not relate to the specific applicant or occupier of the land. This application is for a boundary adjustment and not for any change of use, and it is not considered that the subdivision itself will lead to conflicts between land uses. The concern of the submitters that it is the actions of the occupier of Lot 3 (which are seemingly unrelated to the land use permitted on the nearby parts of Lot 3) will increase the conflicts between the neighbours.

Land use conflict was considered in *Ardill Payne & Partners v Tweed Shire Council* [2021] NSWLEC 1682 (per Bish C) and [at 39] it was stated:

I adopt the opinion of his Honour Moore C in Bailey v Oberon Shire Council [2006] NSWLEC 815 at [51], whereby I must assume that the agricultural activities of the adjoining lands will be conducted in a lawful and safe manner.
<https://www.caselaw.nsw.gov.au/decision/17ce962b502150a81d61632b>

In *Bailey v Oberon Shire Council* [2006] NSWLEC 815 at Moore C (as he then was) [at 51], stated:

I am of the view that it would be entirely improper for a member of this Court to rely on an unlawful activity to sustain an objection and use such objection to warrant or contribute to the refusal of an otherwise lawful application.

In these circumstances, the issue of whether or not there is to be land use conflict between uses, must be viewed as though parties behaved in a lawful manner and the persistent behaviour of the applicant which is set out in the submissions must not be relied upon to refuse an otherwise lawful application.

- o To minimise conflicts between land uses within adjoining zones: It is not considered that there will be any conflicts arising with adjoining zones.

The first gateway has been achieved by minimising the fragmentation and alienation of resource lands and encouraging sustainable primary industry production by enhancing the natural resource base.

Regarding the subsidiary “boundary adjustments”, see discussion relating to clause 4.2D(3).

Clause 4.2D(2) Application of the clause:

The land is in the RU1 zone and the clause applies.

Clause 4.2D(3) Whether the application is for the purposes of a boundary adjustment between adjacent lots:

A similar boundary adjustments clause (clause 4.1E of the Port Stephens LEP 2013) was considered by Preston CJ in *Vollmer v Port Stephens Council* [2025] NSWLEC 120. The subdivision in that case involved the consolidation of two lots and the ultimate subdivision into two lots of different shapes sizes and locations. Preston CJ found that did not constitute a boundary adjustment because it involved two simultaneous actions. Firstly the consolidation of two or more existing lots into a single lot, which results in there no longer being any adjoining lots. Secondly the redivision of the consolidated lots along new boundaries in a situation where there are now no adjoining lots.

It is considered that the subdivision by this current proposal is a boundary adjustment between adjoining lots because:

- Consolidation is not required to effect the change in boundaries
- Because a different part of the current Lot 5 will still be adjacent to the southwest corner of current Lot 3, the boundary adjustment will still be “between adjoining lots”.

Clause 4.2D(4) Discretionary satisfaction requirements

Clause 4.2D(4) requires the consent authority to be satisfied of a number of matters prior to granting consent. These are considered below:

Satisfaction matter in cl 4.2D(4)	Consideration
(a) the subdivision will not create additional lots or the opportunity for additional dwellings, and	No additional lots are created – it is simply that Lot 3 will increase in size and Lot 5 will decrease
(b) the number of dwellings on each lot after the subdivision will be the same as before the subdivision, and	There are no dwellings on Part Lot 5, so there will be no change in the number of dwellings on either lot
(c) the subdivision will not create the potential for land use conflict, and	See consideration of this under the objectives of the zone clause 4.2D(1) fourth objective. No land use conflict is likely to arise
(d) for land in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and	If anything the opportunity for agricultural viability on the land by combining Lot 3 with Part Lot 5 will increase agricultural viability
(g) the subdivision will not result in increased bush fire risk to an existing building.	No increased fire risk is envisaged

Clause 4.2D(5) Considerations for the grant of development consent

Consideration matter in cl 4.2D(5)	Consideration
(a) is likely to be incompatible with the dominant land uses in the surrounding area, and	The dominant land uses in the surrounding area are rural residential and agricultural grazing. The boundary adjustment will not be incompatible with those uses
(b) is likely to have a significant adverse effect on the dominant land uses in the surrounding area, and	The boundary adjustment will not significantly adversely affect that dominant use of agricultural grazing with some residential uses. In effect it will make Lot 3 a size which is better sized for some agricultural production.
(c) is appropriate with regard to natural and physical characteristics of the land, and	The boundary adjustment is considered to be appropriate having regard to the natural and physical characteristics of the land. It is likely flood affected and is bush fire prone land, however those factors will not be altered by the boundary adjustment. It is noted that Lot 1 at 34 Cudmore Road obtains its land access via a right of carriageway over Part Lot 5, which would, as a result of the boundary adjustment, be over the extended Lot 3 land. The terms of the right of carriageway will not alter and hence there is nothing in relation to the characteristics of the land which would cause the boundary adjustment to be inappropriate.

(d) is likely to have a significant adverse impact on the environmental values of the land.	The boundary adjustment will not significantly adversely affect environmental values of the land
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Clause 4.2D(6) When the clause does not apply

- (a) It does not apply to the subdivision of individual lots within a strata plan or community scheme – this does not apply to the proposal.
- (b) It does not apply if the boundary adjustment would create a lot that may be subdivided under clause 4.1.

Clause 4.1 of the LEP establishes a minimum lot size of 10,000Ha. Clause 4.6(6) prevents the use of clause 4.6 for a subdivision in RU1:

- (a) if the subdivision will result in 2 or more lots less than the minimum lot size (both the revised Lot 5 and revised lot 3 will both be under the minimum lot size)
- (b) if the subdivision will result in at least one lot that is less than 90% of the minimum lot area (both resulting lots will be less than 90% of the minimum lot size).

Therefore, neither proposed lot can be subdivided under clause 4.1 and clause 4.2D(6) does not prevent the use of clause 4.2D(3).

Conclusion regarding clause 4.2D

The proposal may apply clause 4.2D to effect the boundary adjustment because:

- it is a boundary adjustment between lots which do not meet the minimum lot size
- there are sufficient indications that the objectives of the zone can be achieved
- this is a boundary adjustment between adjoining lots, given that current lot 5 and current lot 3 will remain as adjoining lots in the southwest corner
- Council is satisfied of the matters set out in clause 4.2D(4)
- Council has considered the matters set out in clause 4.2D(5) and finds them to be satisfactory
- The clause is not excluded from operation by virtue of clause 4.2D(6).

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 5.16 – subdivision or, or dwellings on, land in certain rural, residential or conservation zones

Not applicable as the clause only applies where the development is for subdivision of land proposed to be used for the purposes of a dwelling, or the erection of a dwelling. Neither applies to this boundary adjustment.

Clause 5.21 - Flood Planning

The proposed site is not located within the flood planning levels shown in Intramaps or POZI. The most recent flood study approved in 2026 does not cover the area in any detail, however it appears that there may be some flood affectation.

It is possible that Clause 5.21 applies. The proposal does not create any additional dwelling entitlement and will not change the flood behaviour on the land as no works are involved. No change of use is proposed.

It is considered that, subject to suitable conditions, the development is 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. Additionally, the proposed development is considered to satisfy the objectives of Chapter 3 Section 4 of the WSDCP 2011.

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, however does not apply to RU1 zoned land.

Clause 7.4 Terrestrial Biodiversity

The site is identified as partly terrestrial biodiversity and section 7.4 of WLEP 2011 requires consideration of the maintenance and protection of terrestrial biodiversity at the site. The proposal does not include any works, therefore the proposal is 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 partly 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 proposal does not include any works hence is 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.

Clause 7.6 – Development on river front areas – these are defined in the WLEP 2011

The boundary adjustment affects land on river front areas – defined to be 30m from the top of bank of the Murray River (itself defined in the WLEP 2011 to include the Darling River and the Great Darling Anabranch). An RFI sought the provision of a clause 4.6 exception request as the boundary adjustment is not any of the types of development which are outlined in clause 7.6(2) and the clause 4.6 request was provided.

Considering clause 4.6(3)(a) of WLEP, the objectives of clause 7.6 are as follows:

- (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 clause 4.6 argues that it is unreasonable or unnecessary to comply with clause 7.6. because (in summary):

- The proposal is administrative in nature (no additional lots or increase in development potential or yield)
- There is no physical impact within the river front area
- The objectives of clause 7.6 are achieved because the proposal:
 - Maintains the existing natural environment
 - Does not introduce development pressure near waterways
 - Supports improved land management outcomes across the holding
- Subdivision is directly tied to the ongoing agricultural land use and does not introduce a new or competing land use.

Additionally, the clause 4.6 states that the objectives of clause 7.6 are satisfied because the proposal:

- Avoids disturbance within the river front area
- Maintains existing environmental and riparian values
- Does not intensify or expand development
- Supports improved land management across the site

It is considered that the clause 4.6 has demonstrated that the objectives of the clause are achieved notwithstanding non-compliance with the control

In relation to clause 4.6(3)(b), the applicant states that the following are environmental planning grounds which justify contravention of the standard:

- Firstly the clause 4.6 implies that a clause 4.6 exception request is not required because the development is for the purpose of extensive agriculture and intensive plant agriculture as set out in section 7.6(2)(d). Whilst the clause 4.6 identifies evidence of current agricultural use (small scale grazing), as the use is for subdivision and not for the purpose of extensive agriculture and intensive plant agriculture, this argument is not convincing.
- Other environmental planning grounds identified are:
 - o (b) Ongoing agricultural investment and redevelopment

The SEE and supporting material confirm that the land is undergoing progressive development to enhance agricultural productivity, including:

- *Establishment and refinement of paddocks*
- *Installation of fencing, access tracks, and water infrastructure*
- *Weed management and pasture improvement*
- *Ground preparation for potential cropping*

This demonstrates that the subdivision is being undertaken to support and expand agricultural use, not for non-rural purposes.

o *(c) Improved agricultural viability*

The boundary adjustment will:

- *facilitate integration of Lot 3 into a more cohesive and functional landholding, thereby enabling future active agricultural use*
- *Enable more efficient grazing and land management practices*
- *Consolidate operational areas and improve access*

This directly supports ongoing and enhanced agricultural productivity, consistent with both the RU1 zone and Clause 7.6(2)(d).

o *(d) No adverse environmental outcomes*

- *No impact on wetlands or river systems (consistent with SEPP Biodiversity and Conservation 2021)*
- *No increase in land use intensity*
- *No encroachment or disturbance within the riparian corridor*

It is not appropriate for a clause 4.6 to refer to the SEE, or in fact other documentation provided in the RFI, for support for the clause 4.6 (which is a standalone document). However the clause 4.6 includes details of progressive development on Lot 3 with the subdivision to expand agricultural use and facilitate a more cohesive and functional landholding for both Lot 3 and Part Lot 5. It also identifies a lack of adverse environmental impacts which are consistent with the objectives and considerations in clause 7.6.

It is considered that the applicant has demonstrated the matters required under clause 4.6(3) of the WLEP,

Clause 7.7 - Riparian land and Murray River and other watercourses

Clause 7.7 applies to land identified as a watercourse on the Natural Resource – Watercourse map and land within 40 metres of the top of bank. The boundary adjustment will affect land within 40m of the top of bank of a watercourse set out in the Watercourse Map.

Council has considered the matters set out in subsection (3) and does not anticipate that the development of a boundary adjustment will be unlikely to cause any adverse impact, and will not increase water extraction from a watercourse.

Council is satisfied of the matters set out in clause 7.7(4).

(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

Chapter 5 section 5.2 of WDCP 2011 considers rural subdivision. The boundary adjustment does not enable either site to meet the minimum lot size in the WLEP 2011, however clause 4.2D of the WLEP 2011 which provides flexibility by allowing boundary adjustments creating lots below the minimum lot size, is considered in detail above. No additional dwelling entitlement is created by the boundary adjustment. As the boundary adjustment is between two lots only, a land capability assessment is not required. The requirements of WDCP 2011 are considered to be satisfied.

(iiia) 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	Not relevant as no physical changes proposed
Public domain & Streetscape			X	Not relevant as no physical changes to the public domain
Landscaping			X	Not part of this application
Stormwater			X	No change to the existing onsite arrangements

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Heritage			X	None located on site.
Soils & Soils Erosion			X	No works proposed
Air and microclimate			X	No effect from proposed development anticipated as no works proposed.
Water Resources			X	No effect anticipated
Biodiversity (Flora & Fauna)			X	No change to existing environment.
Land Resources	X			Only a positive outcome is anticipated as set out above.
Utilities			X	No building works proposed
Access & Parking			X	No change to the current use proposed
Roads & Traffic	X			No change to existing provisions. The right of carriageway will continue to apply to the land
Solar Access and Energy Efficiency			X	NA
Overshadowing			X	NA as no works proposed
Privacy & Overlooking			X	NA as no works proposed.
Flooding	X			Insufficient information for the area, however not relevant due to the nature of the proposal.
Bushfire Prone Area	X			Land is in a bush fire prone land designation, however no assessment is required as not works are proposed and due to the nature of the boundary adjustment.
Noise			X	No noise anticipated as no works are proposed
Technological hazards			X	None anticipated from the development.
Safety, Security & Crime Prevention	X			Development will not affect the safety of the area. There is no change to the access to properties other than a change of land ownership
Social and Economic Impacts		X		It is considered that there is a very real chance that the occupiers of Lot 1 DP 1106411 (34 Cudmore Road) will encounter increased harassment and intimidation by the current owner of Lot 3 given past documented behaviour. The danger from this is exacerbated by the proposal as the right of carriageway providing the only land access to the site

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
				they occupy will now be under the ownership of the person in the company who has been documented as providing the adverse impacts along the right of way and to their quiet enjoyment. Unfortunately for the occupants of 34 Cudmore Road, unlawful or intimidatory behaviour is not a planning reason to refuse consent.

(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. Although neither lot meets the minimum lot size, the smaller of these lots (current Lot 3) will increase in size as a result of the boundary adjustment. No additional dwelling entitlement arises from the boundary adjustment. The site is likely flood affected, however the boundary adjustment will make no alteration to environmental impacts and risks as a result of the flooding.

(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.

Five submissions were received, although one was subsequently withdrawn, raising the following concerns:

Concern	Comment
The likely impacts under section 4.15(1) of the EP & A Act.	These are considered elsewhere in this report
The boundary adjustment affects land burdened and/or benefitted by a registered easement critical for 34 Cudmore Road, introducing a risk of interference with the easement (including obstruction, dispute and unilateral control), and ambiguity over ownership, maintenance and access rights. There is a foreseeable risk of impeded or contested access to the landlocked property	The right of carriageway will legally remain untouched. Breaches of the rights imposed by that easement are issues for enforcement between the property owners and are not planning issues
A risk to life and property due to possible compromised emergency access to 34 Cudmore Road	See above

Concern	Comment
Documented history of conflict including with the NSW Police and court system with a risk of further disputes and safety concerns. Includes blocking the easement, parking vehicles on it, diverting water over the easement, driving up and down after heavy rainfall etc	Note, however those issues are for the police, or an action in nuisance or for enforcement issues between the parties with the benefit and burden of the easement.
Practical risk of conflict must be considered with the orderly and sustainable land use planning principles. Has not demonstrated that the easement will remain fully functional in practice and that there is no adverse impacts	There is to be no legal alteration to the easement which will remain on the title of the land on which it is based. It is not a planning requirement to demonstrate that the future landowner will comply with the terms of the easement.
Public interest to avoid ongoing conflict and potential harm	Noted, this is a matter under section 4.15(1) of the EP & A Act.
If approved, the submitters seek conditions including preservation of the easement, legal mechanisms ensuring access, conditions to prevent obstruction, interference or alteration to the access, allocation of maintenance obligations	The conditions of the right of carriageway will remain the same. The conditions have made reference to these matters
Land use conflict.	No land use conflict risk assessment was provided with the DA, however one is not required by the DCP either under section 5.8 of the DCP. Consideration of the objectives of the RU1 zone under clause 4.2D(1) above, concludes that there will be no land use conflict. Behavioural conflict of the current occupants of the land, is not land use conflict, and parties must be assumed to act in a lawful manner.
Lot 3 is used for heavy earthworks and as a machinery depot and it is incorrect to say it, and the land to be incorporated, will be used for agriculture as there is native vegetation on both lots.	Agriculture can be carried out on the land without consent. Compliance with the Depot consent, including the restricted area in which that consent operates under DA2024/016, is for Council and is not a planning reason to take into consideration under an application for boundary adjustment.
Inconsistent with the objectives of clause 4.2D of the LEP as: - the adjustment of boundaries will not lead to the enhancement of natural resources, - will not encourage additional feasible agricultural production,	The response to the RFI considered those objectives and the response is considered to be acceptable. Land use conflict – see above discussion under clause 4.2D(1) of WLEP 2011

Concern	Comment
- the land on the eastern side of 34 Cudmore Road is too narrow for any form of production - will lead to increased land use conflict given the history and illegal uses - the soil is of poor quality and there are no water entitlements to the land - will result in inappropriate impacts on native vegetation and watercourses - no additional economic potential - it is not compatible with the dominant land uses in the area – being the lifestyle home - is inappropriate given the natural features of the land	The dominant land uses in the surrounding area are stated in the SEE to be agriculture and horticultural purposes, including livestock grazing.
Breach of the consent for the depot with machines being used on the land which is not within the depot and machines accessing and blocking the right of carriageway. Poor conduct by the owner of Lot 3.	This is a matter for the compliance team at Council and is not a matter for consideration for a boundary adjustment.
Council has a duty of care to manage and regulate land use	Noted
Attempts to purchase that part of Lot 5 from the current owners were rebuffed and a narrow right of way which was not against the eastern boundary, was offered, however it still had some land on the eastern side which would form part of the expanded Lot 3	Failed negotiations between the owner of Lot 5 and the occupiers of 34 Cudmore Avenue do not provide an impediment to approval of the boundary adjustment.
Apparent uses of the land will impact native flora, fauna and habitats, surface and groundwater and waterways. Lot 3 already has multiple diggings and roads	As stated above, occupiers of land must be assumed to act in a lawful manner. Development consents apply to the land and not to the current occupants. Any wrongful use of the site is a matter for compliance with consents
Privacy concerns due to CCTV just outside the entrance to 34 Cudmore Road, breaching safety and privacy.	Not a relevant matter for a boundary adjustment
Overshadowing by illegal sheds	The shed is now covered by a building information certificate 24/009 and its use is approved under DA2025/125. Overshadowing by the existing shed is not a relevant matter for a boundary adjustment.

In response, the applicant responded as follows:

- The application seeks consent solely for the re-alignment of existing property boundaries within the RU1 Primary Production zone. No additional land use, intensification of use,*

buildings, works, or subdivision creating additional allotments is proposed as part of this application. Accordingly, matters raised in submissions relating to unrelated activities, speculative future development, or broader operational matters are outside the scope of the development application currently under assessment and are not relevant considerations in determining the proposal.

- The proposed boundary adjustment represents a minor rationalisation of existing cadastral boundaries and will result in only an insignificant variation to the overall land areas of the affected lots. The proposal does not alter the rural character or function of the land, does not increase development potential, and does not create any additional allotments or land use entitlements beyond those already existing.
- Concerns raised regarding remediation works associated with Lot 3 relate to obligations and requirements arising from a separate and existing development approval. The proposed boundary re-alignment does not modify, remove, or diminish any obligations associated with those remediation requirements. Any existing conditions of consent, environmental management obligations, or compliance requirements applicable to Lot 3 will continue to apply independently of the current application.
- The proposed re-alignment will not result in any substantial change to the existing environmental, agricultural, or operational conditions of the site or surrounding landholdings. Rather, the application seeks a minor refinement of existing property boundaries to improve cadastral alignment and land management outcomes. The proposal does not alter the established pattern of development, introduce land use conflict, or create unreasonable impacts in terms of visual amenity, land capability, environmental values, or rural operations.
- The submissions do not adequately demonstrate that the proposed boundary realignment would give rise to any adverse impacts on local amenity, environmental values, or the orderly use and development of land, having regard to the nature of the approval sought and the relevant objectives and provisions of the Wentworth Local Environmental Plan 2011 and applicable Development Control Plan relevant to minor boundary adjustment applications.
- The proposal does not seek to amend, relocate, remove, or otherwise alter any existing easement. As such, no impacts are anticipated in relation to existing access arrangements, services, or rights benefiting Lot 1 DP1106411 or any adjoining land. Existing legal access arrangements will remain unchanged as a consequence of the proposed boundary adjustment.
- Existing easements registered on title are legally binding instruments that continue to operate irrespective of the proposed boundary re-alignment. The application does not extinguish or diminish the rights of any benefiting party, nor does it interfere with lawful access or use rights established under those easements. Any matters relating to the interpretation or enforcement of easement rights are governed by separate legal mechanisms and are not altered by the current proposal.
- A number of matters raised within the objections relate to issues beyond those that can reasonably be considered in the determination of the application under Section 4.15 of the Environmental Planning and Assessment Act 1979. In assessing the application, consideration is appropriately limited to the merits of the proposed boundary re-alignment, including compliance with relevant planning controls, environmental impacts, suitability of the site, and the public interest. Matters unrelated to the proposed development or unsupported by demonstrable planning impacts cannot reasonably justify refusal of the application.

Assessing officer's comments made further to the submissions

The submissions detail a long history of antagonism between the owner of Lot 3 and the occupants of Lot 1 at 34 Cudmore Road. It is noted that land use conflict is not an issue that relevantly arises in a planning sense. However there is a very real anticipation that there may be an increase in the difficulties already experienced in relation to the use of the right of way, particularly as the right of way is now to be fully enclosed within the new combined lot 2 (which is proposed to be fully utilised for agricultural pursuits) and will no longer relate in any sensible way to a subdivision boundary.

It is further noted that the right of carriageway terms do not set out the maintenance requirements of the right of carriageway or easement for services. As detailed above, the terms of the right of carriageway are found in Schedule 8 of the Conveyancing Act 1919 and are as follows:

Full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by that person, to go, pass and repass at all times and for all purposes with or without animals or vehicles or both to and from the said dominant tenement or any such part thereof.

The objects of the EP & A Act include the following:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, and*
- (k) *to promote the orderly and economic use and development of land.*

There is a concern that the social welfare of the community (most particularly the occupants of Lot 1 at 34 Cudmore Road may be open to being negatively impacted by the proposed subdivision, particularly by way of access to their property along the right of way. Section 4.17 of the EP & A Act grants the right to impose conditions if (relevantly):

- (a) *it relates to any matter referred to in section 4.15(1) of relevance to the development the subject of the consent, or*
- (a1) *it relates to a likely impact of the development the subject of the consent, or*

In the interests of ensuring that the proposed boundary adjustment is in the public interest, and noting that the removal of the boundary adjacent to the eastern boundary of the existing right of carriageway 10 wide, it is proposed to impose a condition which places further requirements upon the owner of proposed Lot 2 in relation to the ongoing use of the right of carriageway and easement for services both 10 wide which benefit Lot 1 DP1106411 (34 Cudmore Road).

(e) the public interest.

The proposed development is of a scale and character that promotes the objectives of the zone. The proposal generally meets the requirements of the planning controls.

It is noted that the behaviour of the applicant does not appear to bode well for a smooth relationship with the occupants of Lot 1 at 34 Cudmore Road, however, as discussed above, this is not a planning reason to refuse consent. It does however raise a concern as to whether the proposal is in the public interest. It is for this reason that the condition regarding the ongoing use of the right of carriageway is recommended for inclusion.

COMMENTS FROM EXTERNAL REFERRALS

Department	Referred Y/N	Comments
Essential Energy	Y	General comments were provided which can be included in the conditions of consent
Transport for NSW	Y	In response to documentation for the subject proposal uploaded onto the NSW ePlanning portal, I wish to confirm that the NSW Maritime Branch of Transport for NSW (Maritime) has no objections to this proposal, assessed on the grounds of impact to navigation. It is important to note that the proponent, or any entity or contractor acting on their behalf, are not exempt from the provisions of the Marine Safety Act 1998, or any other relevant legislation, and all parties must comply with any direction given by NSW Maritime Authorised officers with regard to safe navigation or the prevention of pollution.
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	
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, it is considered that DA 2026/063 should be approved:

Reasons for approval

1. There are no unreasonable environmental impacts.
2. With the imposition of a condition regarding ongoing use of the right of carriageway 10 wide, the application is considered in the public interest.
3. The proposal was assessed against each of the mandatory relevant considerations of Section 4.15 of the EP&A Act 1979 in the assessment report, and found to be acceptable.

Delegate report author	Delegated approval and endorsement
Signature:	Signature:
Rosalind Read Consultant Planning Officer	
Date: 7 July 2026	Date:

 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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DA2026/063 372 LOW DARLING ROAD AND 1476 LOW DARLING ROAD WENTWORTH

GENERAL CONDITIONS

1.	Approved development Approval is for a two lot boundary adjustment. 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: - Plan of subdivision of Lot 3 in DP1250369 and Lot 5 in DP1253993 by Surveyor Ralph Ian Anderson dated 19/10/2023 Ref: 23099 23M (COMP) sheet 1 of 2 - Plan of subdivision of Lot 3 in DP1250369 and Lot 5 in DP1253993 by Surveyor Ralph Ian Anderson dated 19/10/2023 Ref: 23099 23M (COMP) sheet 2 of 2 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.	Essential Energy - Conditions a) As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. b) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment; c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; d) All Torrens lots must have access and frontage to a public road as per Service and Installation rules this is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development. e) Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with

	respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions; f) In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure; g) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); h) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets. Condition reason: To ensure essential energy requirements are met.
4.	Compliance with relevant legislation and Australian standards The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking a development described in this approval. Condition reason: To ensure other relevant legislation and standards are complied with.
5.	Development Description Planning Approval is granted for the following works: • Two (2) Lot boundary re-alignment; • No change to existing easements; • No additional infrastructure works are approved; Condition reason: To ensure the development complies with conditions of approval.
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 5 years of the date of this development consent. Condition reason: Ensure everyone is aware of the lapsing of the approval.
7.	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.
8.	Mediation

	Where this approval requires further consent from Council, the parties shall not act unreasonably, preventing an agreement from being reached. In the event that an agreement is unable to be reached within 3 months or a timeframe otherwise agreed to by the General manager, the matter is to be referred to the General Manager for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate resolution. Reason: To ensure timely mediation
9.	Staging This consent does not provide for any staging. Reason: To identify all staging being approved

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

No additional conditions have been applied to this stage of development.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

10.	Condition of consent requirements All conditions set out in this application are to be fulfilled prior to Council releasing the subdivision plans and the issuance of the subdivision certificate. Reason: To ensure conditions of consent have been complied with
11.	Provision of electricity Prior to the issue of a Subdivision Certificate, written advice from the applicant is required choosing to comply with either option a, b or c under section 5.1.1 of Councils policy "PR018: Provision of electricity supply an telecommunications service for subdivisions" in relation to electricity supply to the allotments Reason: To ensure the appropriate provision of electricity to the development.
12.	Subdivision certificate application An application for a Subdivision Certificate, complying with the conditions of this Development Approval is to be lodged (and issued) before the Council of the Shire of Wentworth will sign the subdivision plans that are to be lodged with the Titles Office for registration, Or An application for a Subdivision Certificate, complying with the requirements of the Building Code of Australia, the Local Government Act 1993, and the conditions of this approval is to be obtained from the Principal Certifier before the Shire of Wentworth will sign the Subdivision Plan to permit the plan

9.21 DA2026/107 DWELLING WITH GARAGE, CARPORT, RETAINING WALL AND SWIMMING POOL WITH SAFETY BARRIER 18 HENDY ROAD LOT 570 DP 1306000 BURONGA

File Number: RPT/26/427

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 (DA2026/107) was received by Council on 16 June 2026 for a Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000).

The subject site is zoned RU5 Village of the Wentworth Local Environmental Plan 2011 (WLEP 2011), with the proposed development being permitted with consent. The Dwelling and attached Garage is the primary use and the Carport, Retaining Wall and Swimming Pool with Safety Barrier being ancillary uses. The proposed development must also satisfy the requirements under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The subject site is located adjacent to the Murray River, with proposed setbacks from the high bank of the river being 23.5 metres (a variation of 22%) for the dwelling and 8.62 metres (a variation of 71%) for the swimming pool and safety barrier. Therefore, the provisions of Clause 7.6 Development on river front areas in the WLEP 2011 are relevant to the application.

The **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 the WLEP 2011.

The **Murray River** is defined as “includes the Darling River and the Great Darling Anabranch” in the WLEP 2011.

Clause 7.6(2) specifies the types of developments that are permissible within the river front area. The proposed developments applicable to DA2026/107 are not listed under this clause. Therefore, the applicant has submitted a Variation Request in accordance with Clause 4.6 of the WLEP 2011, to vary the numerical development standard to support the application.

As the variation request is 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 DA2026/107 Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000).

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 DA2026/107, having consideration for the details provided both within this report and the attachments provided.

Background

A development application (DA2026/107) was received by Council on 16 June 2026 for a Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000).

The subject site is located in the RU5 Village zone, with no minimum lot size prescribed under the WLEP 2011.

The application was referred to the following agencies:

- Essential Energy: No objection, subject to conditions
- Transport for NSW: No objection, subject to conditions
- Department of Climate Change, Energy, Environment & Water: No response
- WaterNSW: No response.

Clause 7.6 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 proposed development includes a variation request for the following:

- The proposed dwelling is setback 23.5 metres (measured) from high bank of river, with a variation of 6.5 metres (being 22%)
- The proposed swimming pool (and associated safety barrier) is 8.62 metres (measured) from high bank of river, with a variation of 21.38 metres (being 71%).

Therefore, 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*. As such, a Clause 4.6 variation request was required to vary the development standard and this 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 – Clause 4.6 Variation Request to Vary a Development Standard

Refer to attachment 4 – Flood Impact & Risk Assessment

Refer to attachment 5 – Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development.

The proposed development for a Dwelling with Garage, and ancillary developments (Carport, Retaining Wall and Swimming Pool with Safety Barrier) is permitted with consent and meets the zone objectives of the RU5 Village zone under the WLEP 2011.

Due to the nature of the proposed development and the mapping associated with the subject site, the development application was assessed against the following WLEP 2011 Clauses:

- Clause 4.6 Exceptions to Development Standards
- Clause 5.21 Flood Planning
- Clause 7.1 Earthworks
- Clause 7.2 Essential Services
- Clause 7.5 Wetlands
- Clause 7.6 Development on river front areas
- Clause 7.7 Riparian land and Murray River and other watercourses
- Clause 7.8 Additional provisions – development on the river bed and banks of the Murray River

The development application was able to satisfactorily address and respond to the matters for consideration under the above clauses. In particular, the Flood Impact and Risk Assessment concluded that the proposed development will not result in significant adverse effects on flood behaviour or the environment, and appropriate measures can be initiated to reduce risk to life and property in the event of a flood.

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 inconsistencies with the DCP provisions are not considered to result in adverse environmental, amenity or planning impacts and are considered acceptable.

The proposed development does not meet the setback standard under Clauses 7.6, however the Clause 4.6 variation request provided by the applicant has provided adequate justification for contravening the development standards contained in Clause 7.6, as summarized below:

- The proposed development is a replacement dwelling, where the siting and setback of the proposed dwelling is similar to that of the previous dwelling
- The location of the proposed dwelling and swimming pool is generally consistent with the development pattern along the river, particularly within the surrounding area
- Despite the swimming pool being located closer to the river than the dwelling, the pool is of low scale in nature and will not result in a dramatically altered or intensified built form along the river corridor
- The proposed development is generally consistent with previous development that historically existed on the site
- There will be no works conducted on the riverbank and all existing infrastructure, including the access steps, will not be altered
- The proposal will not alter or obstruct public access to the riverfront corridor as the site is private property
- The proposed development will not adversely affect the natural flow of the Murray River

- There is some native vegetation onsite which will not be disturbed or removed, as the proposed development will be contained to areas on the site that were devoid of vegetation, due to the previous development footprint
- The Flood Impact and Risk Assessment by Tonkin Consulting Engineers confirms that the proposed development will not adversely affect flood behaviour, obstruct moving and receding flood water or increase flooding impacts on the surrounding land.

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.

Refer to attachment 6 – Section 4.15 Assessment report

Refer to attachment 7 – Draft Conditions of Consent

Refer to attachment 8 – Essential Energy response

Refer to attachment 9 – Transport for NSW response

Options

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

Approve DA2026/107 Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000) subject to draft conditions of consent as set out in the Section 4.15 Assessment report.

Or

Refuse DA2026/107 Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier at 18 Hendy Road Buronga (Lot 570 DP 1306000) subject to reasons determined by Council.

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 DA2026/107 subject to draft conditions of consent.

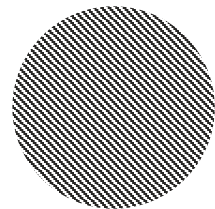
Attachments

1. Attachment 1 - Development Application (Under Separate Cover) [⇒](#)
2. Attachment 2 - Statement of Environmental Effects [↓](#)
3. Attachment 3 - Clause 4.6 Variation Request to Vary a Development Standard (Under Separate Cover) [⇒](#)
4. Attachment 4 - Flood Impact & Risk Assessment [↓](#)
5. Attachment 5 - Plans (Under Separate Cover) [⇒](#)
6. Attachment 6 - Assessment Report [↓](#)
7. Attachment 7 - Draft Conditions of Consent [↓](#)

8. Attachment 8 - Essential Energy Response (Under Separate Cover) [⇒](#)
9. Attachment 9 - Transport for NSW Response (Under Separate Cover) [⇒](#)



JACKSON
PLANNING



Planning Report

**Dwelling, ancillary development
and Variation to LEP Standard 7.6**

18 Hendy Road
Buronga, NSW, 2739

EXECUTIVE SUMMARY

Proposal	Construction of a single storey dwelling, in ground swimming pool and glass safety fence, boundary fence, associated earthworks and retaining walls and variation to LEP Standard 7.6
Street Address	18 Hendy Road, Buronga
Formal Land Description	Lot 570 in Deposited Plan 1306000
Zone	RU5 – Village
Relevant State Environmental Planning Policies	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 5 – Murray River Lands</i>

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 18 Hendy Road, Buronga, and more formally as Lot 570 in Deposited Plan 1306000. The site is regular in shape and is predominantly flat, with the exception of the interface with the Murray River at the rear of the site. It has an area of approx. 6349 square metres (sqm) and does not have a direct frontage to a public road. The site is accessed from Hendy Road via a carriageway easement over adjoining land. All reticulated services are available to support the proposed development.

Due to the interface with the Murray River, the site is within a flood planning area and there are environmental and cultural considerations. However, most of the land is void of native vegetation and it has been historically used for residential purposes. The site is not within a Bushfire Prone Area and does not have any heritage sensitivities.

The site is situated within an established residential area of Buronga, abutting the Murray River to the south. 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: Landchecker Nov 2025)

Site Photos



Figure 2: View of site from the north



Figure 3: View of the site from the east



Figure 4: View of site from the south (Murray River)



Figure 5: View of site from the west



Figure 6: Recent drone aerial view of the site

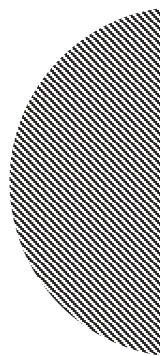
PROPOSAL DESCRIPTION

This proposal seeks approval for the construction of a single storey dwelling, in ground swimming pool and glass safety fence, boundary fence, associated earthworks and retaining walls and variation to LEP Standard 7.6, as summarised below.

- The proposed dwelling is single storey and contains four bedrooms (master suite with WIR, ensuite, sauna and steam room and each remaining bedroom with an ensuite and robe), open plan kitchen, meals and family area, butler's pantry, wine cellar, bathroom, powder room, laundry, separate lounge, study, gym, retreat, outdoor kitchen and living area with outdoor powder room and bathroom and a four car garage.
- The dwelling has a maximum height of approx. 9.5m above natural ground, which includes earthworks. The dwelling itself has a height of 7.83m. The external appearance of the dwelling is modern with a flat roof, rendered walls and feature rammed earth walls. The colour scheme consists of muted neutral tones.
- A partially in-ground swimming pool and glass safety fence is proposed between the dwelling and the Murray River to the south. The pool has a footprint of 18.1m x 5.59m and a depth ranging from 0.9m to 1.5m. It has been designed with an infinity edge and holding tank for overflow.
- The development includes engineered earthworks, fill placement and retaining walls necessary to elevate the dwelling and associated structures above the required flood planning level. Civil and architectural plans have been included which detail a combination of concrete tilt panel and concrete block retaining walls to stabilise the proposed level changes and manage the interface between the elevated building platform and the existing site grades. The retaining walls vary in height across the site, with the concrete tilt panel retaining walls reaching a maximum height of approximately 2.4 metres.
- A standard 1.8m high Colorbond fence will located along the eastern and western boundaries, including above the proposed retaining wall.
- The proposed dwelling is setback consistent with existing dwellings from the Murray River and further than the dwelling that was previously located on the

site. However, the setback is less than 30m from the high bank and as such, variation to LEP Standard 7.6 is sought for the proposed dwelling and swimming pool.

- An existing accessway from Hendy Road will be utilised, no changes are proposed.
- The dwelling will be connected to all reticulated services with the exception of gas. A Civil Plan has been prepared which includes all stormwater management details.



PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The subject site is within the Zone 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 area and will support the development of Buronga, more specifically the redevelopment of an existing residential parcel of land for its intended purpose. 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 5.21 Flood planning

The objectives of this clause are as follows—

- *to minimise the flood risk to life and property associated with the use of land,*
- *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *to avoid adverse or cumulative impacts on flood behaviour and the environment,*

- *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- *is compatible with the flood function and behaviour on the land, and*
- *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- *the intended design and scale of buildings resulting from the development;*
- *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Discussion

The subject site is identified as being within a Flood Planning Area and a Flood Impact and Risk Assessment (FIRA) has been prepared by Tonkin Consulting Engineers to assess the flood behaviour, hazard and associated risks relating to the proposed development.

The FIRA confirms that the site is subject to riverine flooding associated with the Murray River and forms part of a broader floodway during major flood events. The report references updated consultation flood mapping from the Wentworth Flood Study 2026, which identifies the site as being subject to inundation depths generally

between 1.5 metres and 2.0 metres with indicative H4 to H5 flood hazard classifications during the modelled event.

Notwithstanding the above, the assessment concludes that the proposed development is compatible with the flood function and behaviour of the land and will not adversely affect flood behaviour, increase flood impacts on surrounding properties, materially obstruct flood conveyance, or adversely impact the natural function of the floodplain. Hydraulic modelling undertaken as part of the FIRA demonstrates that the proposed dwelling results in negligible change to flood levels, velocities or hazard categories within the broader floodway.

The proposed development incorporates a range of mitigation measures to manage flood risk consistent with Clause 5.21, including:

- Adoption of a finished floor level above the nominated flood planning level;
- Structural design measures to ensure the dwelling is capable of withstanding flood forces, debris impact and buoyancy effects;
- Flood resilient construction methods and dry flood proofing of the basement level;
- Raising of electrical and HVAC services above the flood planning level where possible; and
- Preparation of a site-specific Flood Management Plan to address evacuation procedures and flood response measures.

The FIRA further notes that riverine flooding in this locality generally occurs with significant prior warning, allowing occupants adequate time to evacuate prior to inundation of access routes. While the site may become isolated during an extreme flood event approximating the 1956 flood level, the report concludes that safe evacuation can occur prior to flood isolation.

Accordingly, the proposed development is considered to satisfy the objectives and relevant considerations of Clause 5.21 of the *Wentworth LEP 2011*, subject to implementation of the mitigation measures and recommendations identified within the Flood Impact and Risk Assessment.

Clause 7.5 Wetlands

- (1) *The objective of this clause is to ensure that natural wetlands are preserved and protected from the impacts of development*

- (3) *When assessing a development application for development on land to which this clause applies, the consent authority must consider potential adverse impacts from the proposed development on—*
- (a) the growth and survival of native flora and fauna,*
 - (b) the condition and significance of the native flora on the land and whether it should be substantially retained, and*
 - (c) the provision and quality of habitats for indigenous and migratory species, and*
 - (d) the surface and groundwater characteristics of the site, including water quality, natural water flows and salinity, and*
 - (e) any wetland in the vicinity of the proposed development and any proposed measures to minimise or mitigate those impacts.*
- (4) *Before granting consent to development to which this clause applies the consent authority must be satisfied that—*
- (a) the development is sited, designed and managed to avoid potential adverse environmental impacts, or*
 - (b) where an impact cannot be avoided, and having taken into consideration feasible alternatives, the proposed design, construction and operational management of the development will mitigate and minimise those impacts.*

Discussion

The subject site is affected by Clause 7.5 relating to wetlands. The proposed development is not considered to result in any significant adverse impacts on nearby wetlands, associated floodplain environments or water quality.

The site is an existing disturbed residential allotment which historically contained a dwelling. The proposal does not involve works within wetland areas, significant vegetation removal, or alteration to the natural flow characteristics of the floodplain.

As outlined within the FIRA prepared by Tonkin Consulting Engineers, the proposed development will not adversely impact flood behaviour, obstruct flood conveyance, or affect the natural recession of floodwaters. The assessment also confirms the development will not increase flood impacts on surrounding land.

Accordingly, the proposed development is considered to satisfy the objectives and relevant considerations of Clause 7.5 of the Wentworth LEP 2011.

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, its environmental values, or the surrounding riverine landscape. The subject site is an existing residential allotment which historically contained a dwelling and has long been disturbed for residential purposes. The proposal is therefore consistent with the established character and intended residential use of the locality.

The development does not involve any works within the riverbank itself, alteration to the natural river channel, removal of significant native vegetation, or interference with the natural flow characteristics of the Murray River. All stormwater and wastewater generated by the development will be appropriately managed and directed to the lawful point of discharge in accordance with Council and relevant authority requirements.

The FIRA prepared by Tonkin Consulting Engineers further confirms that the proposal will not adversely impact flood behaviour, obstruct flood conveyance, or increase flood affectation on surrounding land. The report also concludes that the development will not adversely impact the natural recession of floodwaters or result in pollutants entering the Murray River system, subject to implementation of the recommended mitigation measures.

Accordingly, the proposed development is considered to satisfy the objectives and relevant considerations of Clause 7.7 of the *Wentworth LEP 2011*.

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—

- *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 historically contained a dwelling for an extended period, which was recently removed. The site has therefore been previously disturbed; however, some native vegetation remains onsite outside of the proposed development footprint. No vegetation clearing of ecological significance is required to facilitate the development.

The proposal includes the construction of a new dwelling, swimming pool and associated fencing, with all works confined to the previously disturbed building envelope of the site. The development is not considered to impact any identified biodiversity corridor, threatened ecological community, critical habitat, or significant ecological feature.

The site adjoins the Murray 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 impacts on riparian vegetation, bank stability, water quality, aquatic habitat, or the natural functioning of the river corridor.

The FIRA prepared by Tonkin Consulting Engineers has also assessed the proposal in relation to flood behaviour and associated environmental impacts. The assessment confirms the proposed development will not adversely impact flood behaviour, obstruct flood conveyance, increase flood affectation on surrounding land, or adversely impact the natural recession of floodwaters.

The FIRA further concludes that the development will not result in the release of pollutants or otherwise adversely impact the water quality of the Murray River system, subject to implementation of the recommended mitigation measures.

Given the nature of the site and the scope of works, the proposal is unlikely to have any adverse impact on biodiversity values, ecological processes, or surrounding riverine environments. 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 appropriately manages flood and environmental risks associated with the site.

Wentworth Development Control Plan

Chapter 3 – General Development Controls

4 Flood Affected Land

Chapter 3 – General Development Controls

2 Biodiversity Management

2.1 Murray River and Darling River

The proposed development includes a variation to the prescribed 30 metre riverfront setback control. This variation is addressed in detail within the accompanying variation assessment report submitted as part of the application.

The site historically contained a dwelling for an extended period and has therefore been previously disturbed and altered for residential purposes. Whilst some native vegetation remains onsite, the proposed dwelling footprint is generally located within the previously cleared area of the site and unnecessary vegetation removal has been minimised where possible.

The proposal does not involve any works within the riverbank itself or modification to the existing access steps to the river. Stormwater generated by the development will be appropriately captured and managed in accordance with the approved engineering plans prior to discharge, ensuring no adverse impacts on the Murray River or surrounding riparian environment.

The accompanying FIRA further confirms that the development will not adversely impact flood behaviour, obstruct flood conveyance, adversely affect the natural recession of floodwaters, or result in pollution entering the Murray River system.

Accordingly, subject to the matters addressed within the accompanying variation assessment, the proposed development is considered to satisfy the broader intent of this control.

2.3 Erosion Control – Murray River and Darling River

The proposed development has been designed having regard to the erosion control provisions relating to land adjoining the Murray River. Whilst the proposal includes

substantial earthworks associated with flood mitigation, no works are proposed within the riverbank itself, and the development is not considered likely to result in erosion, landslip or instability of the Murray River corridor.

The site historically contained a dwelling and has therefore been previously disturbed and utilised for residential purposes. The proposed building footprint is generally located within the previously cleared area of the site, and no native vegetation removal is required.

The proposal incorporates engineered retaining walls and associated civil works to appropriately manage level transitions and stabilise disturbed areas of the site. Stormwater runoff will also be appropriately captured and managed in accordance with the approved engineering plans to minimise erosion and sediment movement toward the river corridor. The accompanying Flood Impact and Risk Assessment further confirms that the proposal will not adversely impact flood behaviour, river function, or surrounding land.

2.4 Vegetation Protection – Riverfront

As discussed previously within this report, the subject site historically contained a dwelling for an extended period and has therefore been substantially disturbed through previous residential use. Whilst some native vegetation remains onsite, the proposed development has generally been designed to utilise the previously cleared building footprint and minimise unnecessary vegetation removal where possible.

No works are proposed within the riverbank itself and the proposal is not considered likely to adversely impact any significant riparian vegetation, wildlife corridor, or identified area of ecological significance.

The accompanying Flood Impact and Risk Assessment further confirms that the proposal will not adversely impact flood behaviour, water quality, or the natural function of the Murray River corridor.

4 Flood Affected Land

As discussed throughout this report, the subject site is identified as flood affected land and a FIRA prepared by Tonkin Consulting Engineers has been provided. The proposed development incorporates substantial flood mitigation measures, including engineered earthworks and retaining walls, to elevate the dwelling platform above the adopted flood planning level. The proposed finished floor level of RL 40.50 AHD has been

designed to exceed the required minimum flood immunity levels identified within the DCP and supporting engineering documentation.

Whilst the DCP encourages minimisation of cut and fill within flood affected land, the extent of earthworks proposed is considered necessary due to the flood characteristics of the site and the requirement to provide an appropriately flood protected residential outcome. The supporting FIRA confirms that the proposed earthworks and building platform will not result in any significant alteration to flood behaviour, obstruction of flood conveyance, or increased flood impacts on surrounding properties.

The FIRA further confirms that the development has been designed having regard to flood hazard, structural resilience, safe evacuation requirements and management of environmental impacts associated with flooding. Recommended mitigation measures include flood resilient construction methods, dry flood proofing of the basement area, raising of electrical and HVAC services above the flood planning level, and preparation of a site-specific Flood Management Plan.

The proposal is connected to reticulated services and therefore does not involve onsite effluent disposal within the floodplain. In addition, the development will not adversely impact the natural recession of floodwaters or result in pollution entering the Murray River system.

Accordingly, the proposed development is considered to satisfy the intent and relevant provisions this control.

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 the site specific conditions, with the site described in detail previously within this report. The site is located within an established residential area characterised by a mix of single storey and two storey dwellings on generous allotments fronting the Murray River.

The subject site historically contained a dwelling for an extended period, which was recently removed, and has therefore been previously cleared and altered to accommodate residential development. The proposed dwelling footprint is largely located within this previously disturbed area of the site.

Whilst the site adjoins the Murray River corridor and contains some existing native vegetation, the proposed development has been designed to minimise disturbance outside the established building footprint where possible. Due to the flood affected nature of the site, substantial earthworks are required to raise the dwelling platform above the nominated flood planning level, with fill varying across the site and reaching approximately 2.6 metres in the deepest areas. Notwithstanding, the rear portion of the site and associated landscaping areas have generally been designed to work with the existing slope and topography of the land to reduce unnecessary disturbance beyond the immediate development area.

Within the boundaries of the subject land, there are no major constraints relating to steep topography, heritage items, or availability of reticulated services.

4.1.2 Streetscapes

The proposed development is not considered to adversely impact the existing streetscape character of the locality. The site is located well behind the Sturt Highway frontage, being situated approximately 280 metres from the public road and behind an existing allotment containing a dwelling. In addition, the land generally slopes downward toward the Murray River corridor, further reducing the visibility of the proposed dwelling from the public domain.

Whilst the proposal includes a substantial dwelling and associated flood mitigation earthworks, the development will be largely screened from the streetscape due to the separation distance, existing development pattern, intervening vegetation and topography of the site.

The surrounding locality is characterised by a mix of detached residential development on large riverfront allotments with varying building forms, setbacks and landscaping treatments. The proposal is therefore considered compatible with the established character and scale of development within the area and will not detract from the visual amenity of the streetscape.

4.1.3 Front Setback

The proposed dwelling is located approximately 57 metres from the front boundary and over 280 metres from Hendy Road. The site does not directly present to the public road, with the dwelling positioned behind another allotment containing an existing

dwelling. Given this arrangement, the front setback control is not considered directly applicable to this proposal.

The dwelling is not readily visible within the streetscape and will not adversely impact the character or visual amenity of the locality. Accordingly, the proposal is considered to satisfy the intent of the front setback control.

4.1.4 Side setbacks and Corner Lot Setbacks

The proposed development provides side setbacks of approximately 2.5 metres and 4.6 metres to the respective side boundaries, achieving a combined setback well in excess of the minimum 4.5 metre requirement under the DCP.

Whilst the dwelling includes substantial earthworks associated with flood mitigation and presents with increased height in certain locations due to the raised building platform, the development has generally been designed to maintain appropriate separation from adjoining properties and minimise impacts relating to bulk, scale, overshadowing and visual amenity.

Given the generous size of the allotment, the established residential character of the locality and the substantial separation distances between neighbouring dwellings within the area, the proposed setbacks are considered appropriate and consistent with the intent of the control.

4.1.5 Rear setbacks

The proposed development provides substantial rear setbacks well in excess of the minimum requirements of the DCP. The rear of the site adjoins the Murray River corridor rather than a conventional residential allotment, resulting in a high level of separation and minimal potential for adverse amenity impacts.

Whilst the proposal includes elevated building platforms associated with flood mitigation works, the development has been designed having regard to the slope of the land, existing vegetation and riverfront setting of the site. Given the absence of adjoining residential development to the rear and the generous setbacks provided, the proposal is not considered to result in unreasonable overlooking, overshadowing or visual bulk impacts.

Accordingly, the proposed development is considered to satisfy the intent of the rear setback controls.

4.1.6. Walls on Boundaries

Not applicable – No dwelling walls or carport structures are proposed on or within 150mm of the side or rear boundaries of the site. Whilst the proposal includes retaining walls associated with flood mitigation earthworks, these are assessed separately below.

4.1.7 Building heights and overshadowing

Whilst the proposed dwelling is generally characterised as single storey development, the raised building platform and flood mitigation earthworks result in increased building height presentation in certain areas of the site. Accordingly, shadow diagrams have been prepared and included within the submitted plans to demonstrate the overshadowing impacts on 22 June and 22 September.

Due to the generous size of the allotment, substantial separation distances to adjoining dwellings and the orientation of the site toward the Murray River corridor, overshadowing generated by the development is largely restricted to the subject land itself. The proposal is therefore not considered to result in unreasonable overshadowing impacts on adjoining properties, private open space areas or habitable room windows. Accordingly, the proposed development is considered to satisfy the intent of the building height and overshadowing controls.

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 proposed development provides extensive private open space areas substantially exceeding the minimum requirements of the DCP. The development includes large outdoor living, landscaped and recreational areas directly accessible from the principal living spaces of the dwelling.

Given the generous size of the allotment and riverfront setting of the site, the proposal provides a high level of residential amenity, including expansive secluded private open space areas with appropriate dimensions, solar access and functional connection to indoor living areas.

Accordingly, the proposed development is considered to comfortably satisfy the intent and requirements of the private open space controls.

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, although there is a lounge room situated on the northern side. 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 appropriate separation distances to adjoining properties and existing habitable room windows. Given the generous size of the allotment, substantial side setbacks and separation between surrounding dwellings within the locality, the proposal is not considered likely to adversely impact daylight access to existing habitable room windows on adjoining properties. Whilst the dwelling presents with increased height in certain areas due to the raised building platform associated with flood mitigation works, the majority of overshadowing and bulk impacts are contained within the subject site itself. Accordingly, the proposed development is considered to satisfy the intent of the daylight to existing windows control.

4.1.12 North-facing windows

Not applicable – no north facing windows within 3m of the boundary.

4.1.13 Overlooking

Whilst the proposed dwelling is generally characterised as single storey development, overlooking impacts have been carefully considered due to the raised nature of the building platform and associated flood mitigation earthworks.

To the eastern boundary, retained land and fencing located above the retaining wall will provide an effective visual barrier between the proposed development and the adjoining residential property, limiting opportunities for direct overlooking into adjoining private open space areas and habitable room windows. To the western side, whilst portions of the development may obtain elevated views, the adjoining land is not utilised for conventional residential purposes and is instead associated with houseboat marina and river related activities. As such, the proposal is not considered likely to result in unreasonable privacy impacts. Accordingly, the proposed development is considered to satisfy the intent of the overlooking controls.

4.1.14 Fencing and Retaining Walls

The retaining walls proposed throughout the site are associated with engineered flood mitigation earthworks and cannot reasonably be avoided or substantially minimised due to the flooding constraints affecting the land and the requirement to elevate the dwelling platform above the nominated flood planning level. These works are addressed in further detail within the accompanying civil and structural engineering documentation.

Whilst portions of the retaining walls are of substantial height, the impacts on adjoining land are moderated through a combination of setback distances, retained and battered landform treatments, fencing and landscaping outcomes. In addition, the broader locality is characterised by large allotments with substantial separation between development, reducing the likelihood of unreasonable amenity impacts arising from the proposed retaining structures. Furthermore, the proposed structures will not adversely impact the streetscape or neighbourhood character, given that the dwelling is located over 280 metres from the Sturt Highway and positioned behind another allotment containing an existing dwelling. Accordingly, the proposed development is considered to satisfy the intent of the fencing and retaining wall controls.

4.1.15 Car Parking and Vehicle Access

The proposal provides substantial on-site car parking facilities, including a four car garage and large driveway area capable of accommodating additional visitor and overflow parking.

Vehicle access is provided via the existing access arrangement servicing the site, with the driveway designed to provide safe and practical all-weather access to the dwelling. Adequate manoeuvring space is also available onsite to enable vehicles to enter and exit in a forward direction, generally consistent with the requirements of Australian Standard 2890.1.

Given the generous parking provision, substantial onsite manoeuvring opportunities and existing access arrangements, the proposal is considered to satisfy the intent and requirements of Clause 4.1.15.

4.1.16 Cut and Fill

The proposal includes substantial fill works associated with the flood affected nature of the site and the requirement to elevate the dwelling platform above the nominated flood planning level. As discussed previously within this report, the extent of fill and associated retaining walls cannot reasonably be avoided or significantly reduced whilst still achieving a compliant and functional residential outcome on the land.

Whilst the proposed fill exceeds the prescriptive 1 metre control within the DCP, the extent of works is directly attributable to the flooding constraints affecting the site rather than discretionary design outcomes. The proposal has therefore been supported by detailed civil, structural and flood engineering documentation to demonstrate that the site can be appropriately stabilised, drained and managed.

The development incorporates a combination of engineered retaining walls, battered landform treatments and controlled drainage measures to manage level transitions, retain fill within the site boundaries where required and minimise the potential for erosion, instability or adverse impacts on adjoining land. Stormwater runoff will be appropriately captured and managed in accordance with the approved engineering plans and the accompanying Flood Impact and Risk Assessment confirms that the proposal will not adversely impact flood behaviour or surrounding land. In addition, the site historically contained a dwelling for an extended period and has therefore been previously disturbed and altered for residential purposes.

Accordingly, whilst the proposal departs from the numerical fill controls within the DCP, the development is considered to satisfy the broader intent of the control having regard to the unique flooding constraints affecting the site and the engineered mitigation measures proposed.

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

Refer DCP assessment above. Appropriate erosion and sediment control measures will be implemented during construction to minimise the movement of sediment and runoff from the site.

Economic and Social Impacts

Albeit minor, the proposed dwelling will contribute to the economic and social wellbeing of the Buronga 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.

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. Vehicle access is via an existing crossover to Hendy Road and no alterations to the existing road network are proposed. Accordingly, the proposal is considered to have a negligible impact on the surrounding transport network and road safety.

Stormwater/flooding

The site is not subject to any identified natural hazards and stormwater will be directed to the legal point of discharge. Stormwater management details have been included on the Civil Plan prepared by Tonkin Engineers.

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;
- Flood impacts have been appropriately mitigated;
- 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 18 Hendy Road, Buronga.



260773L001Rev0

8 May 2026

Matt Jackson
Jackson Planning
133B Lime Avenue,
Mildura VIC 3500

Attention: Matt Jackson

Dear Matt

**FLOOD IMPACT AND RISK ASSESSMENT (FIRA) – REVISED FOR 18 HENDY ROAD,
BURONGA**

Wentworth shire council has requested additional information as part of an ongoing development application (reference pan-519917) at 18 Hendy Road, Buronga NSW 2739.

Council received advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) that a FIRA (Flood Impact and Risk Assessment) could be completed in advance of a Wentworth Flood Study (currently preliminary – not adopted).

This report is an updated assessment of flooding at the property, prepared in light of new flood information recently made available, and supersedes our previous report reference 250474L002Rev0, dated 4 September 2025. It should be noted that this new information is based on a consultation version of flood data and mapping, which has not yet been formally adopted or accepted as industry standard. This assessment focuses on managing flood risk, with particular attention to safe access and egress during flood events and summarises our findings in support of the application.

1. Introduction

1.1 Background

The purpose of this FIRA is to assess the flood risk and any management required for the Construction of the proposed dwelling and is being prepared on behalf of Aspire Architecture, Mildura VIC.

The site plans for the proposed dwelling are attached to this report, which is located adjacent to 568-569 Sturt Highway, Buronga. It is on the north bank of the River Murray and is upstream of Lock 11, approximately 1.5km directly to the east of Lock 11 (4km river length).

1.2 Project Context

The preliminary results of the ongoing Wentworth Flood Study (consultation version, Wentworth Flood Study 2026) have indicated that the proposed development is at risk of riverine flooding from the River Murray, and this FIRA aims to assess the specific risk to the proposed development and surrounding properties and suggest mitigations as appropriate. It should be noted that the 2026 flood data is a consultation version and has not yet been formally adopted or approved as an industry standard, but provides more appropriate data for the development.

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1



This report has been developed in line with the Flood Risk Management Manual to address the specific concerns raised by Wentworth Shire Council and DCCEEW, with a particular focus on managing flood risk through safe access and egress, with the results of this report to be further validated by the Wentworth Flood Study upon its final issue.

1.3 FIRA Requirements

A concern about flood risk to the site has been raised by both Wentworth Shire Council and DCCEEW. DCCEEW have requested a FIRA to satisfy Council that the flood risks are “understood and managed consistent with the provision of the Wentworth Local Environmental Plan (2011), the Wentworth Shire Development Control Plan (DCP) (2011) and Chapter 5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)”. These documents, along with State Environmental Planning Policy (Housing) 2021 (Housing SEPP), have been consulted in producing this report, and their requirements considered along with the general relevant assessment requirements of the Flood Risk Management Manual.

In addition to these stated requirements, the post development impacts of the proposed dwelling have been assessed against the considerations outlined in Flood Risk Management Guideline LU01 section 3.3, to address any increase in flood hazard to this and other properties in the modelled flood events. Site specific flood risk requirements are detailed in Section 4 of this report.

2. Background

2.1 Study Area

The proposed development is located on the north bank of the River Murray, 4km upstream of Lock 11 (the Mildura weir). It is assessed that the only significant flood risk to the property is presented by riverine flooding from the Murray, the site is not deemed to be at risk of flash flooding induced by local rainfall. In riverine flooding events, the proposed development site forms a part of a floodway, with river flows overtopping the banks and flowing to the north under the Sturt Highway. The proposed development lot and surrounding lots are used for residential development and houseboat mooring facilities.

The upstream hydrology of the River Murray is complex and beyond the scope of this report. The hydraulic control of the modelled floodway is imposed by the river level, with a sufficiently high river overtopping the banks and flooding the low-lying area to the north.

2.2 Known Flood Behaviour

The pool level of the River Murray adjacent to the proposed development is controlled by the height of the Mildura weir, with a full storage depth of 34.4m AHD. The local low point in the riverbank is at approximately 38.4m AHD (from ELVIS LiDAR data) and so riverine flooding will occur during events at or above this river level. 38.5m AHD is defined as the “Major” flood level for Mildura by the Bureau of Meteorology (BoM).

During major riverine flooding events, the development area can be inundated for an extended period (up to a week) until the river level recedes. However, the slow-moving nature of River Murray flooding also enables prior warning of several days to a week before major flood events.

Flows in the River Murray are dependent on the upstream River Murray system including major tributaries such as the Goulburn, Campaspe, Loddon, Edward and Murrumbidgee systems. The timing and quantity of water flowing from these systems is independent of each of the other systems, as each is dependent on what happens in each of their catchments (e.g. intensity and duration of a rainstorm). The modelling approach used to inform this report does not therefore estimate the hydrology using the Australian Rainfall Runoff methods (e.g. ARR2019).



2.3 Flood History

The most recent major flood event occurred in November 2022, with the river level reaching 38.4m AHD, inundating low lying areas such as Buronga Caravan Park.

Due to the complex and highly managed nature of the Murray Darling Basin, Annual Exceedance Probabilities (AEPs) are less straightforward to calculate than in smaller catchments and free flowing rivers. For this FIRA, the Flood Planning Level (FPL) has conservatively been taken as that of the 1956 flood event, the largest recorded flood in the River Murray which achieved a height of approximately 39.5m AHD at the site. Considering the subsequent construction of additional flood infrastructure and improvements in flood management, this flood level is considered to satisfy the 1% AEP requirement.

As we have used an alternative approach to ARR2019, we are comfortable that the implications of climate change has been considered when determining the flood planning level, and the 39.5mAHD flood level is considered a conservative estimate of the 1% AEP flood in a future climate scenario. Future climate volatility will likely increase the intensity of extreme rainfall events in the Murray-Darling Basin, but the river upstream of the site is heavily managed to mitigate peak water levels in flood events

This information was used to assess the Finished Floor Levels of the proposed development.

2.4 New Flood Information

Updated flood information for the site has been sourced from the *Wentworth Shire Council Wentworth Flood Study February 2026 – Volume 2 Figures (2026)*. According to Figure 5.5, Sheet 3, the site is subject to an indicative flood inundation depth in the range of approximately 1.5 m to 2.0 m during the assessed flood event. In addition, Figure 5.9, Sheet 3 indicates flood flow velocities at the site ranging from approximately 0.20 m/s to 0.50 m/s. Copies of these sheets have been reproduced in Appendix 2, with the location of 18 Hendy Road indicated.

Based on the National Best Practice Guideline *Australian Rainfall and Runoff (ARR)* flood hazard classification system (Refer Appendix A1), which categorises flood hazard into six classes (H1 to H6), the combination of the identified flood depths and flow velocities places the site within an indicative H4 flood hazard category. An H4 hazard classification is defined as being unsafe for people and vehicles during flood conditions. This assessment is further supported by Figure 5.13, Sheet 3 of the flood study, which identifies the site as falling within a range of H4 to H5 flood hazard classifications. Under the ARR guideline definitions:

H4 – Unsafe for people and vehicles; and

H5 – Unsafe for people and vehicles, with all building types vulnerable to structural damage and some less robust building types vulnerable to structural failure.

Furthermore, Figure 5.17, Sheet 2 identifies the site as being within a Floodway under the 1% Annual Exceedance Probability (AEP) flood function mapping. A Floodway is defined as an “area that conveys a significant portion of flood flows during a flood event and is generally characterised by higher flow velocities and hydraulic hazard. Development within Floodways can potentially obstruct flood conveyance, increase upstream flood impacts, or expose structures and occupants to elevated flood risk, and therefore requires careful assessment and management”.

2.5 Emergency Management

The site is covered by the Wentworth Local Emergency Management Plan (EMPLAN), with flood emergency management the responsibility of the NSW SES.



Figure 3.2 Sheet 2 of the *Wentworth Shire Council Wentworth Flood Study February 2026 – Volume 2 Figures (2026)* shows the Flood Emergency Response Planning Classification for the property, and a copy of this sheet has been reproduced in Appendix 2, with the location of 18 Hendy Road indicated.

2.6 Flood Risk

As detailed in Section 1, several policies and guidelines have been consulted to determine the flood risk requirements for the proposed development, along with general requirements as outlined by Flood Risk Management Guideline LU01. Key site-specific requirements that are being assessed by this report is outlined in Table 1 below.



Table 1: Key Flood Risk Requirements

Requirement	Detail	Source
Impact on flood behaviour	Proposed development – (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood	Wentworth Local Environmental Plan
Dwelling floor level	The top of the mound should be a minimum of 600mm above the 1% calculated flood level, so that the flood level of any structure constructed on the mound is not less than 750mm above a 1% calculated flood level.	Wentworth DCP
Flood risk to structure	The principal dwelling or secondary dwelling and ancillary structures, if any, must be able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level. Enclosed spaces below the flood planning level must allow automatic entry and exit of flood water or be designed by a structural engineer for dry flood proofing.	Housing SEPP NCC – ABCB 2012.3
Earthworks	Earthworks mounds shall be constructed so as to withstand the anticipated peak flood water velocity expected for a 1% return frequency flood and that the design and installation of such earthworks mounds be certified by a practising chartered professional structural or civil engineer.	Wentworth DCP
Environmental impact to floodplain	Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	B&C SEPP



3. Pre-Developed Modelling and Analysis

3.1 Existing Flood Modelling

A 2D HEC-RAS model was developed covering the existing floodway from the north bank of the River Murray through to the Sturt Highway, which was adopted as a downstream boundary. Riverine flooding has been simulated through a stage hydrograph along the length of the riverbank, simulating raising the water level from 34m AHD to the target level over 3 hours and running for a further 6-9 hours to allow the floodway to achieve equilibrium. A downstream normal depth boundary condition of 0.05% has been adopted, reflecting the extremely shallow slope of the flow path through the floodway and rejoining the river downstream. A sensitivity analysis was conducted with downstream boundary normal depths of 0.1% and 0.5%, finding no significant change to flood risk in the area of interest.

Manning's n values were delineated for the model area using available satellite imagery from MetroMap, per Table 2 below.

Table 2: Modelled Manning's n value

Land Cover	Mannings N
Vacant/Soil	0.022
Buildings	0.5
Trees	0.05
Grass	0.03
Roads/Driveways	0.03

Two scenarios have been run for the existing and developed case, reflecting the adopted FPL of 39.5m AHD and the lower "major" flood level of 38.5m AHD, a conservative approximation of the recent 2022 flooding.

From this model, depth and velocity time series have been produced across the modelled area and were used to produce time series flood hazard mapping in line with the flood hazard categories given in the Australian Disaster Resilience (ADR) Handbook Guideline 7-3: Flood Hazard (Table 2).

Although the Wentworth Flood Study is now available in consultation form, the modelling undertaken provides specific levels at this property, and was used to advise required FFL.

3.2 Existing flood impacts

For a 39.5m AHD flood event in the existing case, the site is fully inundated at depths of up to 1.5m. Once the water level in the floodway reaches 39.5m AHD, the bulk of the floodway area including the proposed development site is classified at hazard level H4, defined as "unsafe for people and vehicles" in Guideline 7-3.



4. Post-developed modelling and analysis

4.1 Proposed development flood modelling/assessment

To model the proposed development, the footprint of the proposed building was raised to 2m high to completely block flow across the building, as per the provided design. Inundation events of 38.5m AHD and 39.5m AHD were modelled with this terrain feature in place to produce the post-development flood mapping, no other hydrological or hydraulic changes were implemented.

Due to the relatively small size of the development compared to the width of the floodway, little change in overall flood behaviour was observed, downstream flows remained effectively the same. No areas of the floodway were observed to have significant changes in depth, velocity or hazard, some minor changes were observed around the proposed building site.

4.2 Flood impacts of proposed development

In both events modelled, the proposed development does not create any additional flood hazard for any of the existing surrounding properties, as shown in the attached mapping. However, if additional development of the same nature were to occur on the neighbouring blocks, the floodway could become restricted and lead to an overall increase in flood hazard for all properties in the floodway.

The predominant impacts to be managed are those directly affecting the proposed development. The building footprint is surrounded by H4 flood hazard area at 39.5m AHD inundation for an extended period of time, and in this scenario the property would be fully cut off. In the 38.5m AHD scenario, the property would experience little direct impact of flood water given the proposed design levels, with a maximum H2 flood hazard occurring across the existing driveway access to the north.

5. Key risks to be managed

The key mitigation measures recommended are to ensure the holistic structural design of the building considers the 39.5m AHD flood scenario. The riverine flooding could impact the building for a few weeks or more, with potential for debris impact and health hazards due to deposited silt and mould. No inundation of any part of the building can be considered acceptable up to and including the 39.5 m AHD event, for safety of both the structure and inhabitants. This advice remains appropriate despite updated flood information indicating a more onerous flood scenario, as the adopted design flood level and mitigation approach remain unchanged.

In particular, the design inclusion of a basement/ store with floor level (37.25m AHD) is well below the flood planning level and presents a specific flood risk which will require detailed mitigation. For this enclosure to comply with the National Construction Code (NCC) under the Australian Building Codes Board (ABCB) Standard 2012.3 "Construction of buildings in flood hazard areas", wet flood proofing is not possible, and the basement will require design by a suitably qualified (chartered) structural engineer to allow dry flood proofing as an alternative solution under the NCC. For this to occur, the basement area will need to be completely impermeable and allow no water ingress up to the ground floor FFL of 40.5m AHD, with the designed structure being able to resist lateral hydrostatic forces along with buoyancy induced by a large air space below the flood level. Any flood water ingress into the basement area would present an unacceptable safety risk to inhabitants if this was part of the habitable area, with no provision to pump out an inundated basement. It is also strongly recommended to raise all electrical and HVAC systems above 40.5m AHD throughout the building to comply with the NCC, wherever possible. Given the revised flood information, continued emphasis on resilient design is warranted.



In addition, any external developments such as fencing and landscaping must have considered flood inundation and debris impact in design and material selection if located below the flood planning level.

An additional flood risk is presented in the 39.5m AHD event by the inundation of the driveway to the property, the only access/egress point. Access via this route while inundated at H4 flood hazard level would be unsafe to people and vehicles (including emergency vehicles) per the ADR Handbook Guideline 7-3, however safe access could be achieved in the 38.5m AHD "major" flood event. Mitigation of this risk may be possible by raising of the driveway, but construction of a raised driveway crossing the floodway could present additional flooding risks beyond the scope of the modelling conducted and would require further design and modelling. Riverine flooding in this location often has significant prior warning of multiple days to a week, so inhabitants would be able to safely evacuate prior to a flood event, the long inundation period of riverine flooding means that shelter in place is not an acceptable mitigation for this risk.

In line with the updated flood information and overall assessment approach, the development of a site-specific Flood Management Plan is also recommended to formalise procedures for preparation, evacuation, and response during flood events, particularly given the increased severity of recently identified flood behaviour.



6. Conclusions and recommendations

In conclusion, it is assessed that while the proposed development does not present additional flood risk to surrounding properties or change local flood behaviour, the proposed building will require significant design effort to ensure inhabitants and the structure are not at risk.

Updated flood information indicates that the flood risk at the site has worsened compared to the assumptions adopted in the previous assessment. However, this updated information does not materially change the advice or recommendations provided in the previous document, with the key mitigation measures and overall flood risk management approach remaining applicable.

The key management measure for flood risk at this site is consideration throughout the design process of flooding up to 39.5m AHD, and the prevention of all water ingress to the building in this event. The proposed basement area will require design by a chartered structural engineer for dry flood proofing up to 40.5m AHD (the proposed FFL), with the recommendation to raise all electrical/HVAC services to above 40.5m AHD wherever possible.

Access/egress during a flood event has been considered, and while the 39.5m AHD flood event would effectively cut off the proposed development, sufficient warning time would be provided for inhabitants to prepare the property for flooding and evacuate. If a raised driveway is proposed as a mitigation measure, this would require additional modelling and driveway design due to potential floodway impact.

The implementation of a site-specific Flood Management Plan is recommended to establish procedures for flood preparation, evacuation, emergency response, and ongoing flood awareness for occupants.

Given the implementation of these mitigation measures, it is assessed that the proposed development would comply with the specific requirements set out in Table 1 above, along with a first principles assessment of overall flood risk requirements.

If you have any queries relating to this advice, please contact Melinda Lutton on 08 8273 3100.

Yours sincerely,

Melinda Lutton

Principal Engineer

Tonkin

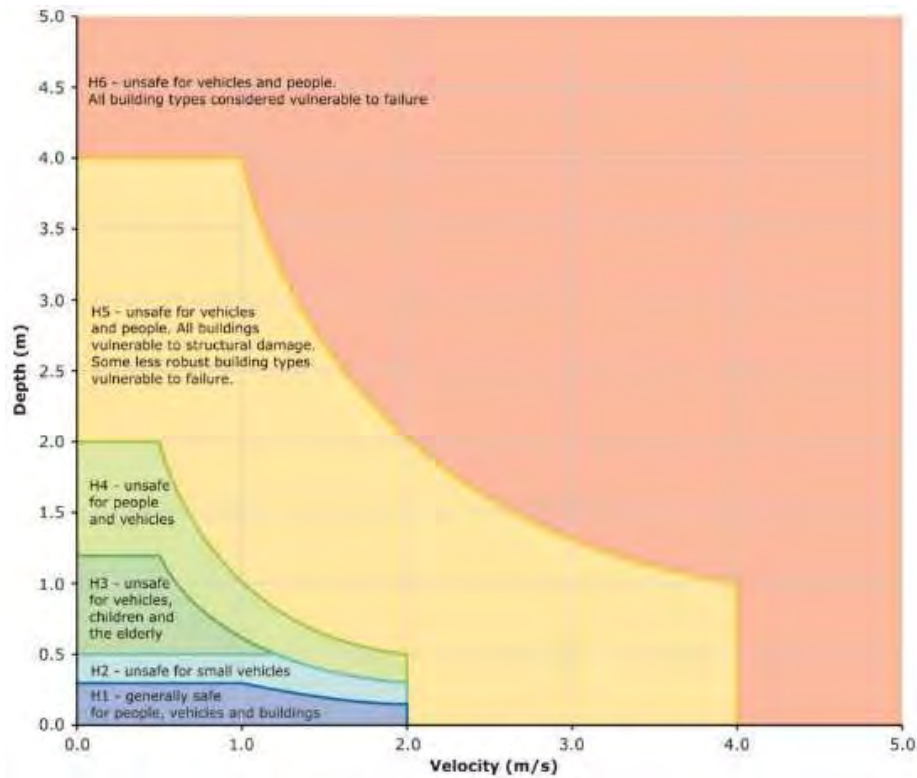


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- Victorian Flood Class Levels North of Divide, Bureau of Meteorology (BOM) 2025
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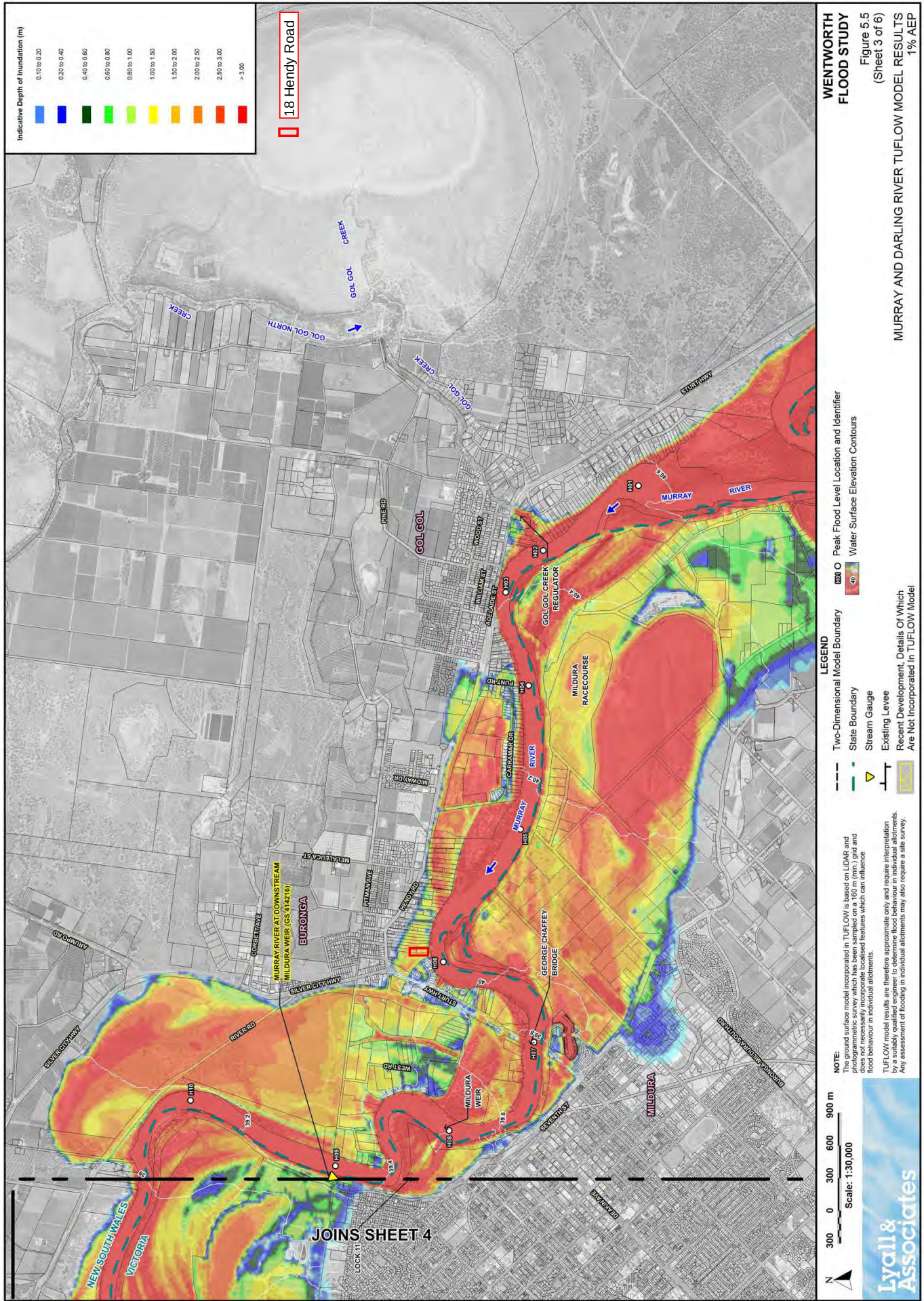


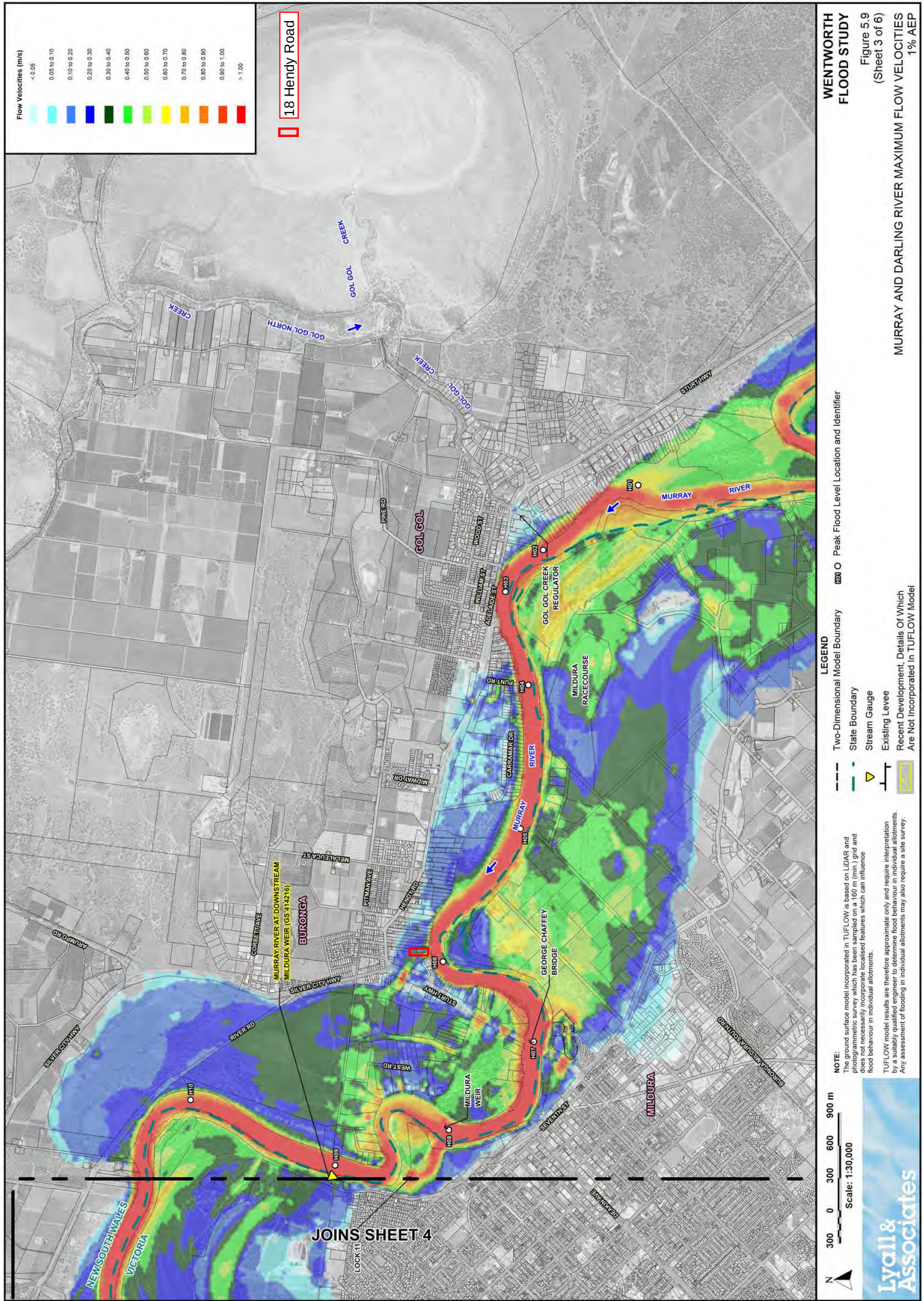
Appendix A1 –Flood Hazard Rating

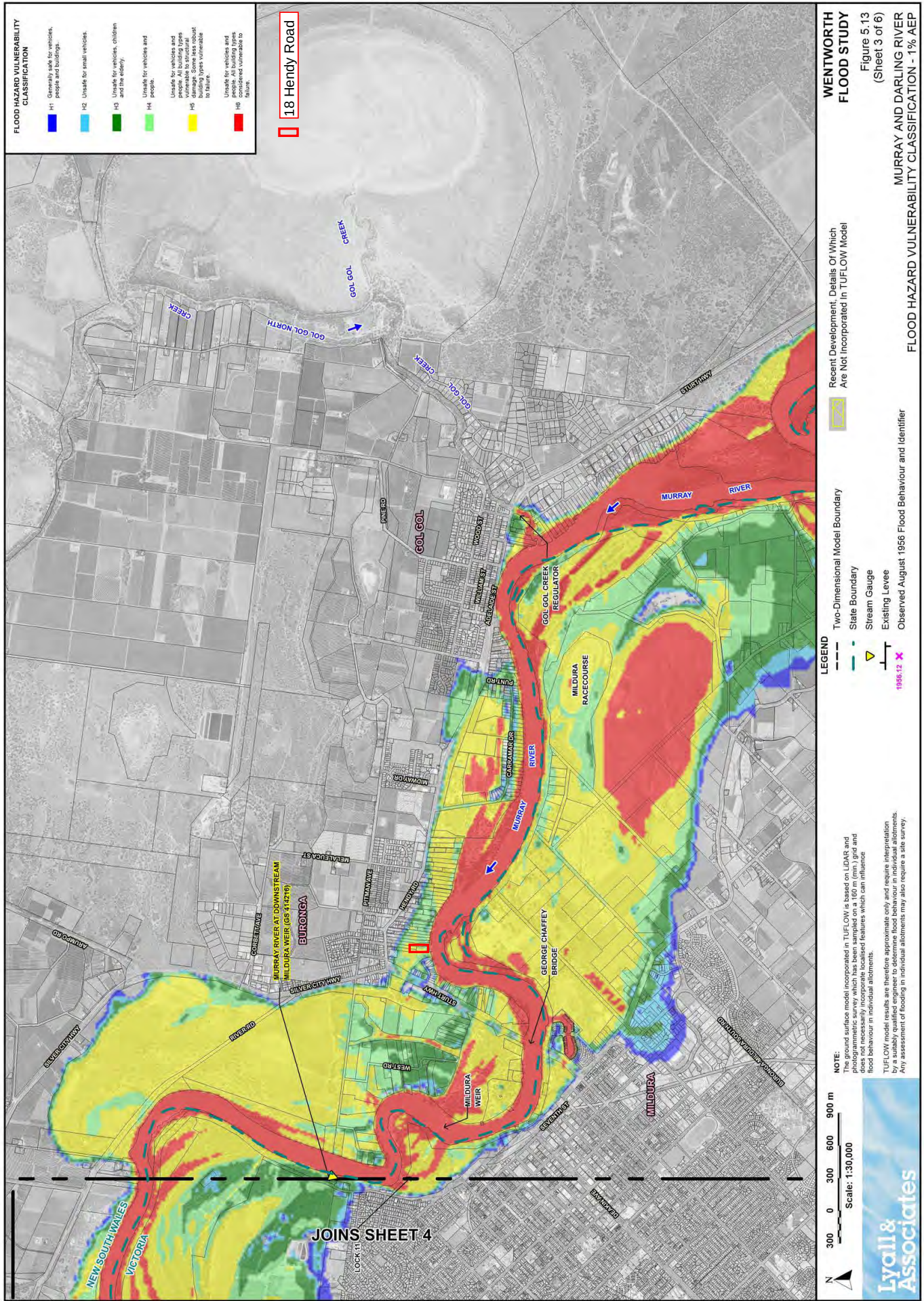


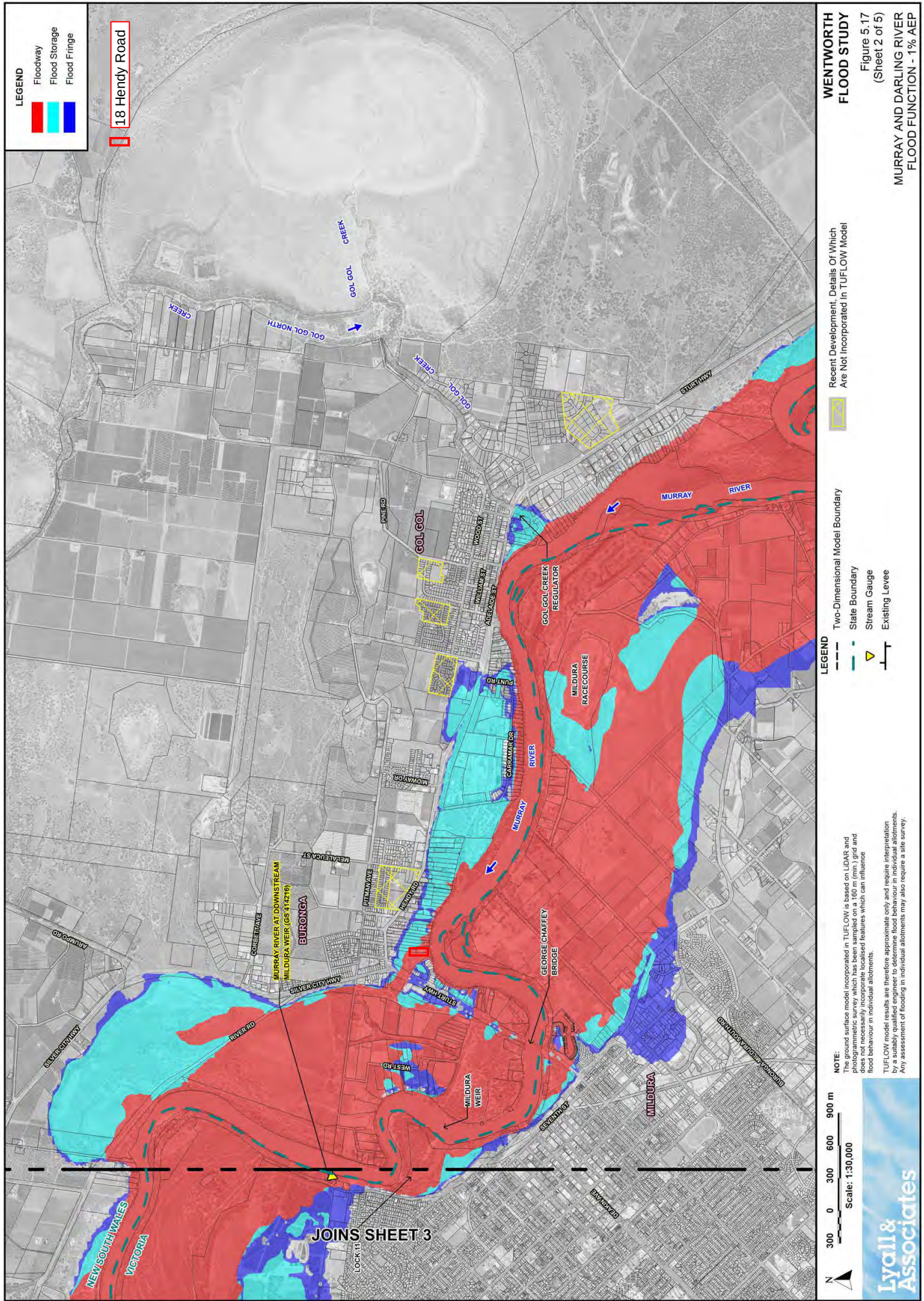


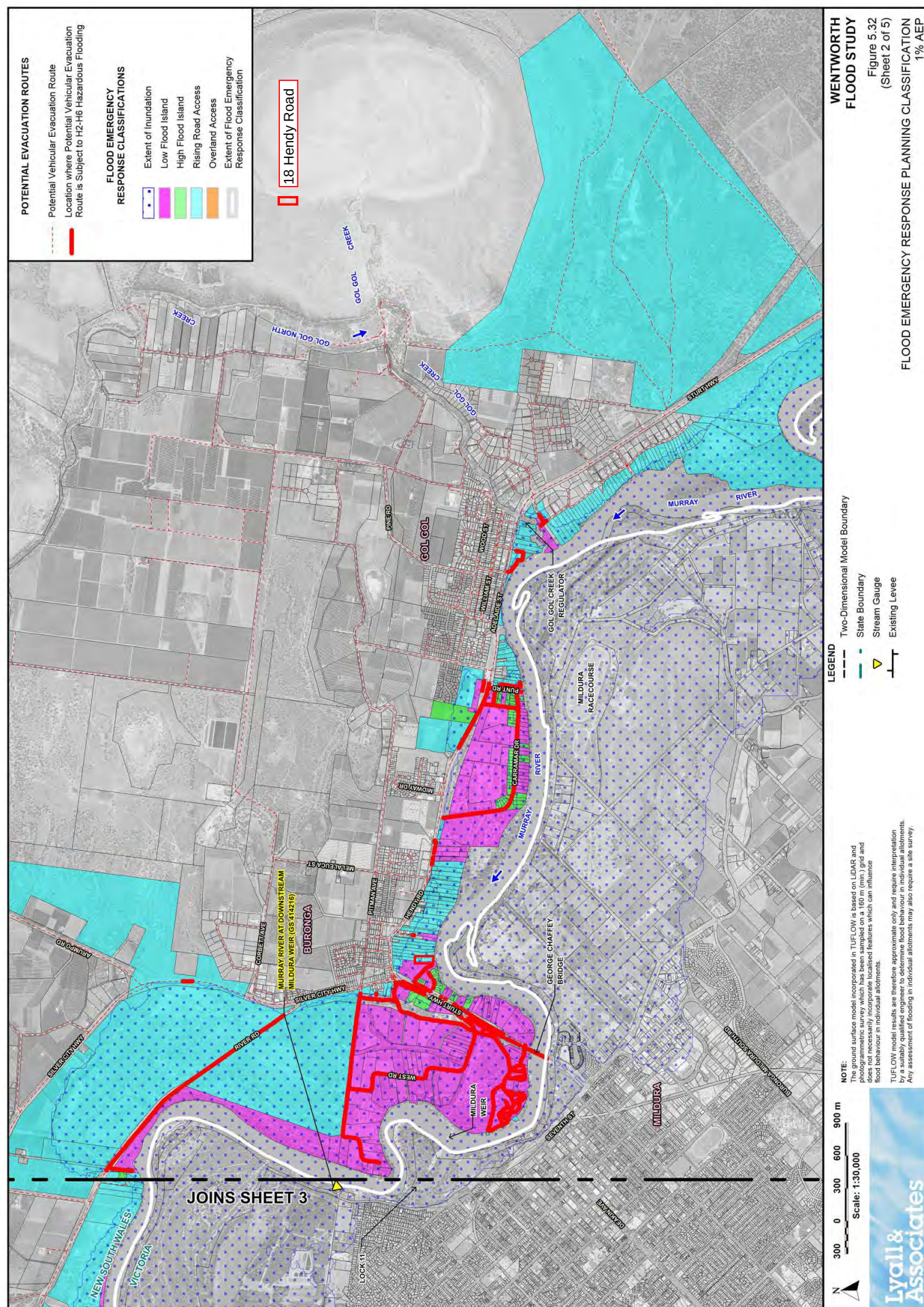
Appendix A2 – New Flood Information











 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:	DA2026/107 & PAN-646394
Property Title & Address:	P688/01 – DA2026/107 New Development Application JACKSON PLANNING / BCJ & LV CLARKE NOMINEES P/L Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier 18 Hendy Road Lot 570 DP 1306000 Buronga P688/010 PAN - 646394
Property owner(s):	BCJ & LV Clarke Nominees Pty Ltd
Applicant(s):	Jackson Planning
Proposal:	DA2026/107 New Development Application JACKSON PLANNING / BCJ & LV CLARKE NOMINEES P/L Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier 18 Hendy Road Lot 570 DP 1306000 Buronga P688/010 PAN - 646394
Previous DAs:	DA161/07 – Two Lot Subdivision DA15/136 – Shed DA2025/092 – Withdrawn – Two Storey Dwelling with Garage and Cellar & Swimming Pool with Safety Barrier
Cost of proposed development:	\$2,950,000.00
Recommendation of Officer:	Approval, subject to conditions of consent

SITE AND SURROUNDING DEVELOPMENT

The subject site is Lot 570 DP1306000 located at 18 Hendy Road Buronga. The Lot has an area of approximately 6,349m² and is regular in shape. The full length of the rear, southern boundary, being 50.11m, is located adjacent to the Murray River. The northern boundary is located adjacent to Lots 451 and 452 DP756961.

Access to the northeast front boundary is via a 6m wide easement through Lot 452 DP756961 being 16 Hendy Road Buronga. Three easements are located on the site. These easements are for water supply pipelines, sewage drainage and carriageway access.

The aerial imagery shows vegetation, being mature trees, located just north of the sheds and across the southern boundary adjacent to the Murray River. The site is relatively flat and does not contain any other vegetation or landscaping.

The site was previously developed and used for residential purposes, containing a dwelling and 3 sheds. The aerial imagery in the Statement of Environmental Effects report indicates that the 3 sheds are still located on the site. However, the architectural plans submitted with the application indicate that the dwelling and sheds have been removed.

A commercial mooring licence and associated vessels are applicable to the site, as shown in Figure 1 below. Confirmation has been received that the commercial activities will cease to operate prior to the commencement of use of the dwelling.

The site is zoned RU5 Village under the Wentworth Local Environmental Plan 2011 (WLEP 2011). 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 and is not located within the urban release area. The site is affected by the flood mapping, watercourse map (partially), riparian lands and watercourse map (partially), and the wetlands map (marginally).

The surrounding area is also zoned RU5 Village and with residential development located to the west of the site, and low density residential development to the north and east of the site.

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	RU5 Village
Heritage	No
Flooding affected	Yes, whole of site
Bushfire affected	No
Biodiversity Values mapped	No
Acid sulphate soil mapped	No
Urban release areas mapped	No

Wetlands Map	Yes, marginally across southern boundary, approximately 2m from southern boundary
Riparian Lands and Watercourses Map	Yes, partially, approximately 24m from southern boundary
Watercourse Map	Yes, partially, approximately 24m from southern boundary

DESCRIPTION OF PROPOSAL

Council has received an application for a Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier. The application also includes a Clause 4.6 Variation Request. The Statement of Environmental Effects report includes the following information:

This proposal seeks approval for the construction of a single storey dwelling, in ground swimming pool and glass safety fence, boundary fence, associated earthworks and retaining walls and variation to LEP Standard 7.6, as summarised below.

- *The proposed dwelling is single storey and contains four bedrooms (master suite with WIR, ensuite, sauna and steam room and each remaining bedroom with an ensuite and robe), open plan kitchen, meals and family area, butler's pantry, wine cellar, bathroom, powder room, laundry, separate lounge, study, gym, retreat, outdoor kitchen and living area with outdoor powder room and bathroom and a four car garage.*
- *The dwelling has a maximum height of approx. 9.5m above natural ground, which includes earthworks. The dwelling itself has a height of 7.83m. The external appearance of the dwelling is modern with a flat roof, rendered walls and feature rammed earth walls. The colour scheme consists of muted neutral tones.*
- *A partially in-ground swimming pool and glass safety fence is proposed between the dwelling and the Murray River to the south. The pool has a footprint of 18.1m x 5.59m and a depth ranging from 0.9m to 1.5m. It has been designed with an infinity edge and holding tank for overflow.*
- *The development includes engineered earthworks, fill placement and retaining walls necessary to elevate the dwelling and associated structures above the required flood planning level. Civil and architectural plans have been included which detail a combination of concrete tilt panel and concrete block retaining walls to stabilise the proposed level changes and manage the interface between the elevated building platform and the existing site grades. The retaining walls vary in height across the site, with the concrete tilt panel retaining walls reaching a maximum height of approximately 2.4 metres.*
- *A standard 1.8m high Colorbond fence will located along the eastern and western boundaries, including above the proposed retaining wall.*
- *The proposed dwelling is setback consistent with existing dwellings from the Murray River and further than the dwelling that was previously located on the site. However, the setback is less than 30m from the high bank and as such, variation to LEP Standard 7.6 is sought for the proposed dwelling and swimming pool.*
- *An existing accessway from Hendy Road will be utilised, no changes are proposed.*

- *The dwelling will be connected to all reticulated services with the exception of gas. A Civil Plan has been prepared which includes all stormwater management details.*

Further details are contained in Figures 2, 3, 4 and 5 below and in the final architectural drawings submitted with the application:

Site Plan by Aspire; Project No. AA24-063; Sheet No TP-A03; Date: March 2026

Pool & Fence Details & Cellar Floor Plan by Aspire; Project No. AA24-063; Sheet No TP-A04; Date: March 2026

Floor Plan by Aspire; Project No. AA24-063; Sheet No TP-A06; Date: March 2026

Elevation Plan by Aspire; Project No. AA24-063; Sheet No TP-A08; Date: March 2026

Civil Plans by Tonkin; Project No: 250325; Drawing Nos. C01, C02, C03, C04, C05; Revision: B; Date 16.01.26

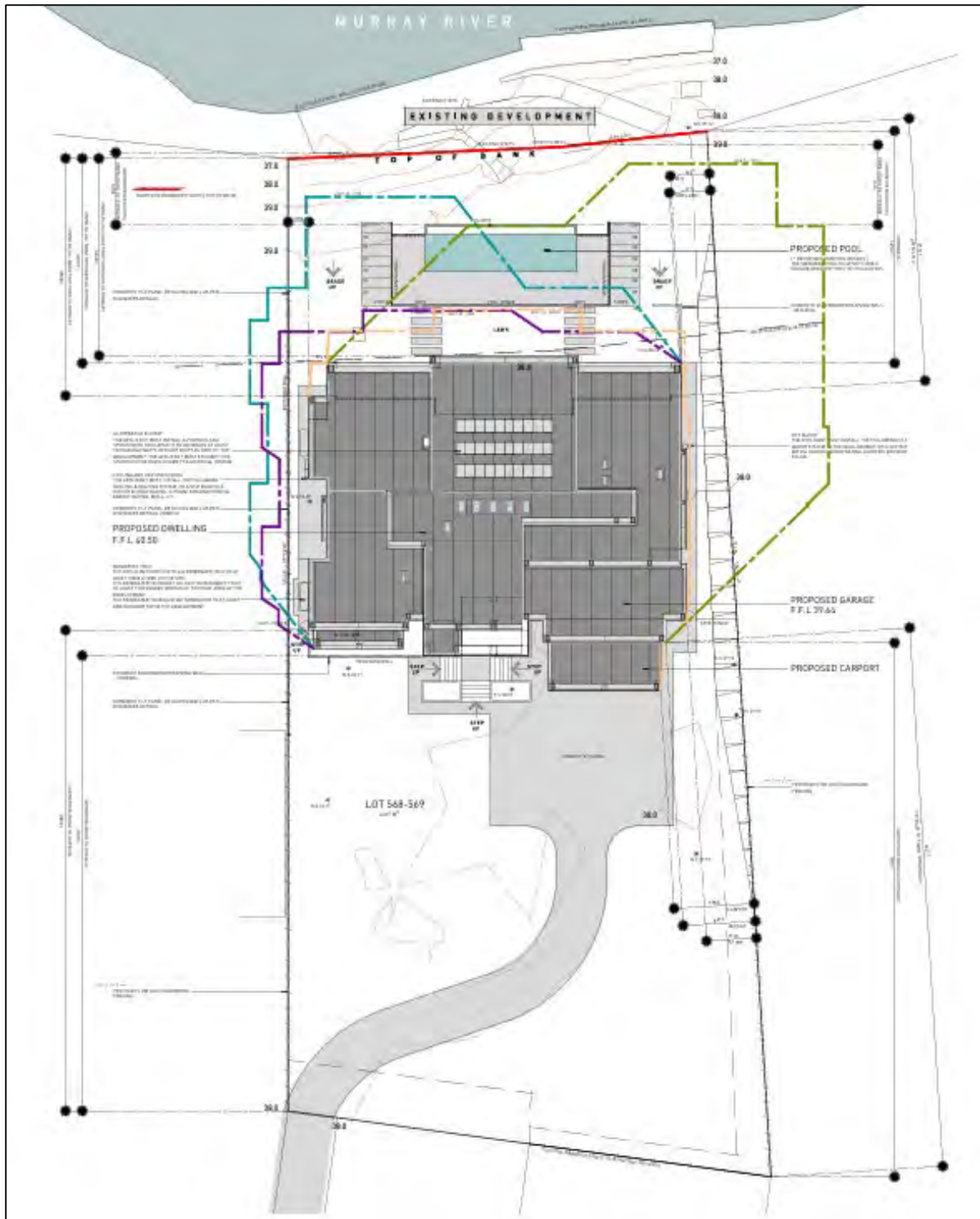


Figure 2 Site Plan



Figure 3 Floor Plan

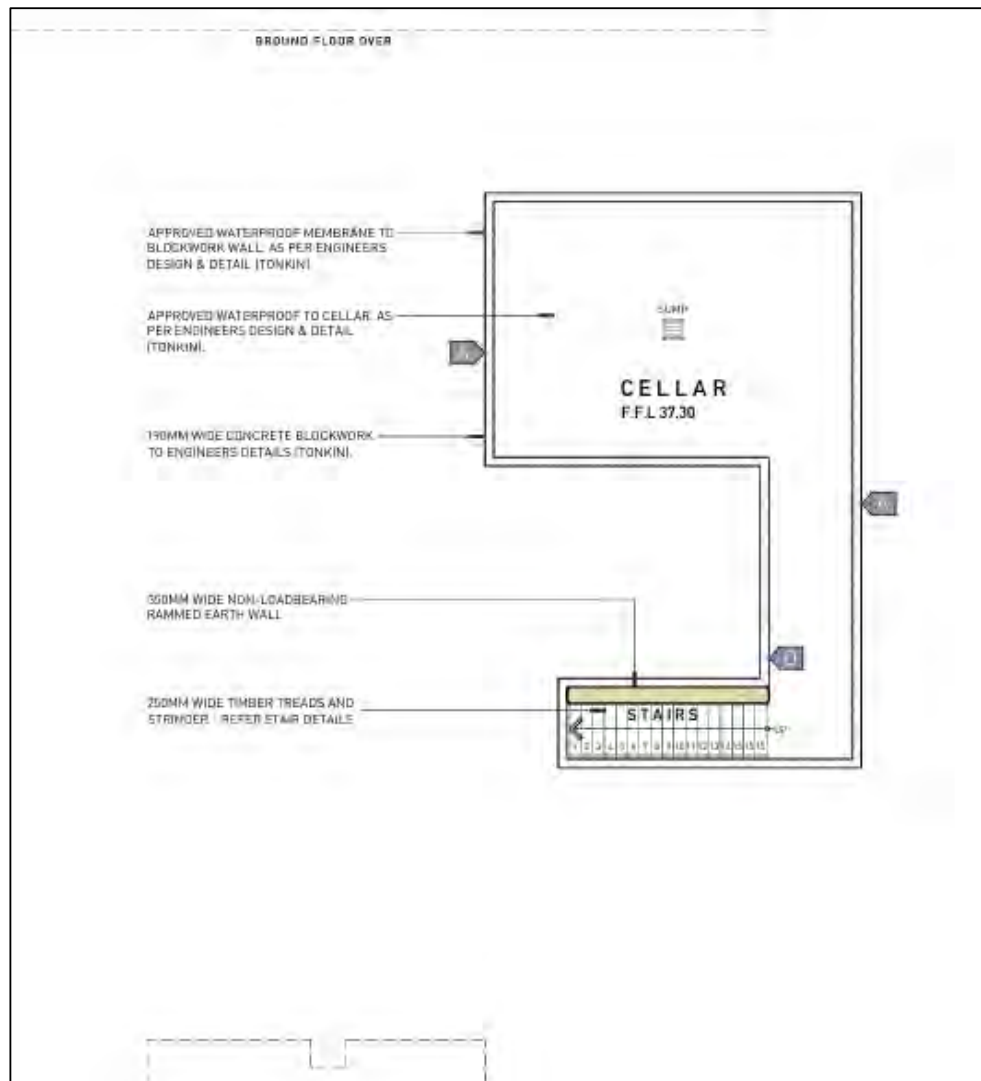


Figure 4 Underground Cellar Floor Plan

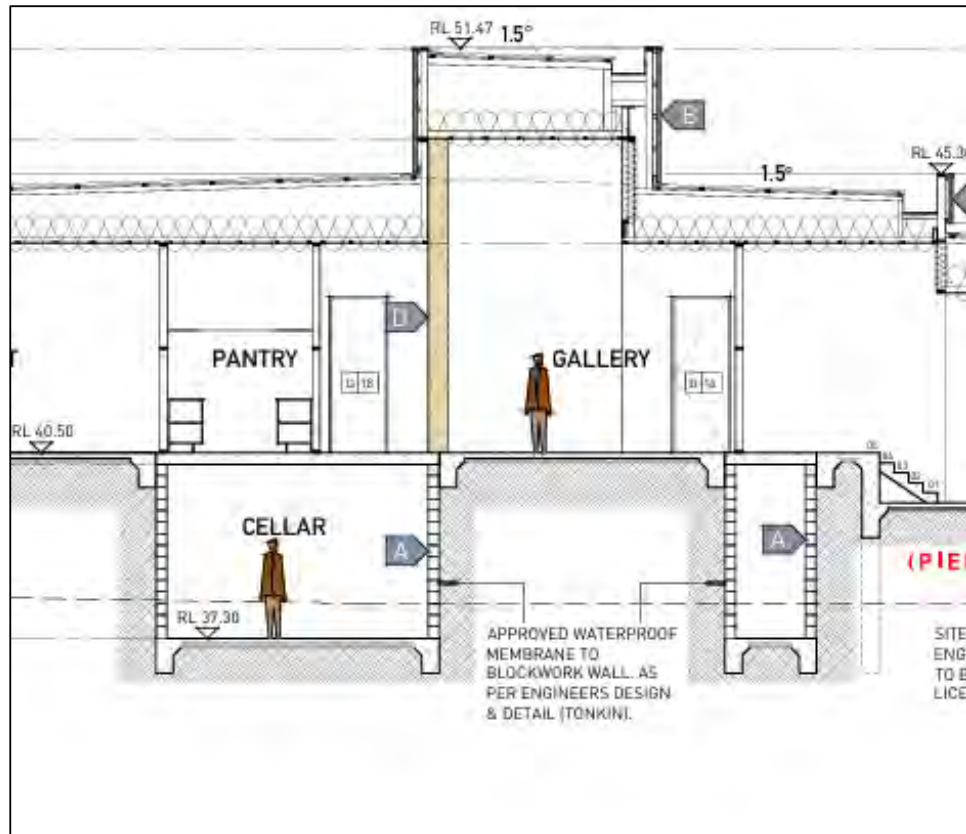


Figure 5 Section C-C of Underground Cellar

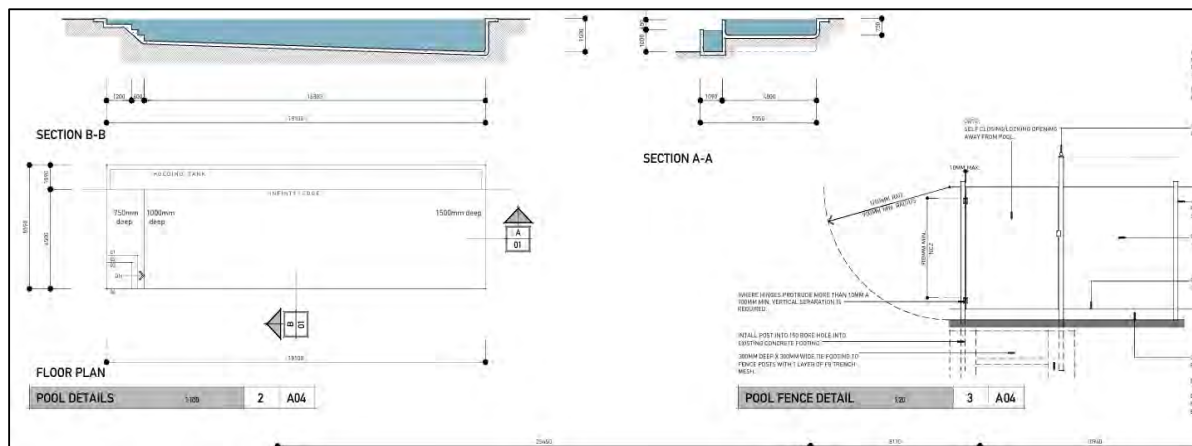


Figure 6 Pool and Safety Barrier

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

16 June 2026	The development application was lodged with Council.
24 June 2026 to 8 July 2026	The development application was placed on 14 days public exhibition.
26/06/2026	A request for additional information letter was submitted to the applicant, requesting the following: Essential Energy has requested additional information, prior to responding to the application. The letter of request from EE is located under "Documents" as CNR-646394.
29/06/2026	Response to request for additional information received providing detailed plans showing existing EE infrastructure on site in relation to the proposed development.
08/07/2026	A request for additional information letter was submitted to the applicant, requesting the following: Transport for NSW Maritime have requested additional information to be able to provide comment on the application. The request for additional information can be found under the 'Documents' tab saved under 'Additional info request'. Please provide a response to allow the application to be re-referred to TfNSW Maritime for comment.
10/07/2026	Response to the request for additional information received provided confirmation of the cessation of the current commercial use on the riverfront prior to the commencement of the use of the dwelling.
23/07/2026	A request for approval to amend the application to 'integrated' for referral to WaterNSW for consideration and approval for works and ongoing activities related to the sump pit and pump in the underground cellar, as it may be considered 'dewatering' which is an activity requiring a works approval under S90(2) of the Water Management Act 2000.
23/07/2026	Response to the request was received advising that the sump is only for use for the cellar and no ground dewatering activities will be conducted.

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. There is no proposed clearing that exceeds 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.

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 applies to the application as the southern boundary of the site is located adjacent to the Murray River and is included in the Murray Regional Environmental Plan Sheet No. 35.

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, as outlined in the Statement of Environmental Effects report and the Flood Impact and Risk Assessment.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate (Certificate number: 1771110S_05 Date of issue: 04 June 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.

NatHERS Certificate HR-G45EQE-01.

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 a dwelling with garage, carport, retaining wall and swimming pool and safety barrier is permissible with consent. The proposal is also consistent with the relevant zone objectives because it is providing for residential development and uses within the township to facilitate growth in Buronga.

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.*

Part 4 – Principal Development Standards

Clause 4.6 Exceptions to Development Standards

This clause seeks to provide appropriate flexibility in applying development standards and to achieve better outcomes for and from development, by allowing flexibility in particular circumstances. Development consent must not be granted that contravenes a development standard, unless the consent authority is satisfied the applicant has demonstrated that compliance with the development standard is unreasonable in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Although non-compliance is seen with Clause 7.6, the applicant has provided adequate justification that supports the contravention.

By approving the variation request, it will allow development to occur on one of the few remaining vacant lots in the area and provide a dwelling with necessary utilities for the residents of the site.

Standard being varied – Clause 7.6 Development on river front areas

Development on the river front area is defined the WLEP 2011 Dictionary as *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*. The subject site does not have a building line applied, therefore, the required setback is 30 metres from the high bank.

The proposed swimming pool is to be sited 8.62m from the high bank of the Murray River, this represents a variation of 72% to the development standard.

The proposed dwelling is to be sited 23.5m from the high bank of the Murray River, this represents a variation of 22% to the development standard.

As the variation request seeks to contravene the development standard by more than 10%, Council staff under delegated authority cannot determine this application.

Approving 4.6 Variations

Under Clause 35B of the Environmental Planning and Assessment Regulation 2021, applications involving contravention of development standards must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that –

- Compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- There are sufficient environmental planning grounds to justify contravention of the development standard.

The consent authority must keep a record of its assessment of the variation request.

Assessment of Variation Request

The objectives of Clause 7.6 are as follows:

- (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.*

Are the objectives of the development standard achieved notwithstanding the non-compliance?

The variation request outlines that the objectives of Clause 7.6 can still be achieved, despite the request for non-compliance. The following is a summary of the applicant's response to the objectives of Clause 7.6:

- The proposed development is a replacement dwelling, where the siting and setback of the proposed dwelling is similar to that of the previous dwelling
- The location of the proposed dwelling and swimming pool is generally consistent with the development pattern along the river, within the surrounding area
- Despite the swimming pool being located closer to the river than the dwelling, the pool is of low scale in nature and will not result in a dramatically altered or intensified built form along the river corridor
- The proposed development is generally consistent with previous development that historically existed on the site
- There will be no works conducted on the riverbank and all existing infrastructure, including the access steps, will not be altered
- The proposal will not alter or obstruct public access to the riverfront corridor as the site is privately owned land
- The proposed development will not adversely affect the natural flow of the Murray River
- There is some native vegetation onsite which will not be disturbed or removed, as the proposed development will be contained to areas on the site that were devoid of vegetation due to the previous development footprint
- The Flood Impact and Risk Assessment by Tonkin Consulting Engineers confirms that the proposed development will not adversely affect flood behaviour, obstruct moving and receding flood water or increase flooding impacts on the surrounding land.

It is considered that the above responses to the objectives of Clause 7.6, as outlined in the variation request, satisfy non-compliance with the development standard.

Are there sufficient environmental planning grounds to justify contravening the development standard

The variation request outlines environmental planning grounds to justify contravening the development standard. The following is a summary of the applicant's response to justifying the contravention of Clause 7.6:

- The site is zoned RU5 Village which permits residential development and the proposed development is consistent with the intended use of the site, and is considered an appropriate and orderly outcome within the zone
- The variation is justified as the site historically contained a dwelling and associated buildings with a similar setback to the riverfront, therefore the proposal is not introducing an incompatible or precedent-setting development
- The proposed development reflects the development pattern and historical siting of the previous dwelling and associated buildings on the site and within the surrounding locality
- The proposal has been designed to avoid adverse impacts on the Murray River, including its corridor, riverbank, water quality, flood behaviour and the surrounding environmental values. This is verified in the FIRA.

Consideration of the request to vary Clause 7.6

The applicant's written request demonstrates that compliance with Clause 7.6 is unreasonable or unnecessary as the development is to occur in an appropriate zone, flood impacts have been assessed and appropriate conditions can be imposed as recommended by the FIRA, there will be minimal if any, environmental impacts, and the proposed development is consistent with development within the surrounding area.

Additionally, the site can support the proposed residential development, as many other sites in the vicinity do, and there are existing developments that appear to have been granted variation requests for a reduction to setback requirements, within relatively close proximity to the subject site.

It is considered that the above responses relating to the environmental planning grounds to justify non-compliance with Clause 7.6, as outlined in the variation request, satisfy non-compliance with the development standard.

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 site has been identified as being at or below the 1% AEP flood planning level (RL40.07m) according to the Wentworth Flood Study 2026. A Flood Impact Risk Assessment (FIRA) has been lodged with the application.

The FIRA concluded that the proposed development is considered compatible with the flood function and behaviour of the land. The assessment also concluded that the proposed development will not result in significant adverse effects on flood behaviour or the environment, and appropriate measures can be initiated to reduce risk to life in the event of a flood.

The conclusion of the FIRA also recommended the following:

- The design of the proposed dwelling will require significant design to ensure the safety of inhabitants and structure are not at risk during a flood event
- The proposed basement/cellar will need to be designed by a structural engineer for dry flood proofing up to 40.5m AHD, with electrical/HAC services to be above 40.5m AHD where possible
- The access to the site will be compromised during a flood event, however there would be sufficient warning time to allow for inhabitants to prepare the property for flooding and safely evacuate
- The FIRA recommends that a site-specific Flood Management Plan is prepared to provide guidance for flood preparation, evacuation, emergency response and flood awareness for the residents.

Additionally, the proposed development is considered to satisfy the objectives of Chapter 3 Section 4 of the WSDCP 2011.

Conditions should be included in the approval determination of the application, that respond to and address the recommendations of the FIRA.

Part 7 – Additional Local Provisions

Clause 7.1 Earthworks

The proposal involves excavation works for the provision of a development pad 500mm above the 1% AEP, an underground cellar and a partially inground swimming pool. The underfloor depth of the underground cellar is 3m and the depth of the partially inground swimming pool in total, including the overflow holding tank, is 1.5m. The depth of excavation has been kept to minimum requirements and ancillary works have been limited to what is required to provide access to and from the underground cellar. 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 evidence shown indicating potential for adverse impacts on any waterways, drinking water catchment or environmentally sensitive areas.

The Civil Plans prepared by Tonkin include a full survey of the site and show specific details of the tilt panel retaining wall, outdoor stairs, drainage, footings and site preparation and earthworks. The underground cellar will have a sump pit and pump with backflow prevention, which will connect to the stormwater pipeline along the western façade of the proposed dwelling. There is no dewatering proposed as part of the overall development.

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 Civil Plans by Tonkin indicate that in addition to stormwater being connected to Council's existing system, a detention basin, with a holding capacity of 94m³ will be located in the

northwestern corner of the subject site. The overflow from this basin will be pumped into the rising main.

Essential Energy has been consulted with regards to the application, and their response and conditions have been included in the determination.

The site is considered to be adequately serviced for the purposes of the proposed development.

Clause 7.5 Wetland

The site is identified as a partial wetland (approximately 2m) 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 located outside of the wetland mapping, therefore, 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.

Clause 7.6 – Development on river front areas

The *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 the WLEP 2011 dictionary.

The site does not have a building line applied, therefore, the development standard for development on riverfront areas is 30 metres from the high bank of the river.

The objectives of Clause 7.6 are as follows:

- (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 proposed swimming pool is to be sited 8.62m from the high bank of the Murray River, this represents a variation of 72% to the development standard.

The proposed dwelling is to be sited 23.5m from the high bank of the Murray River, this represents a variation of 22% to the development standard.

The application includes a Clause 4.6 Variation 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 an applicant to apply for a variation to a development standard.

Refer to Clause 4.6 above for the assessment of the variation request against Clause 7.6 of the WLEP 2011.

Clause 7.7 - Riparian land and Murray River and other watercourses – general principles

The development site is mapped as being within the watercourse and is located within 30 metres of the high bank.

Council has considered the matters identified under clause 7.7 (3) and is satisfied of those matters. It is considered that as the proposed development does not involve any works within the riverbank itself, the natural channel and flow of the river will not be altered, there is no intended removal of native vegetation, and as such, there will not be any adverse impact on the aquatic or riparian species, including habitats and ecosystems.

Additionally, the civil plans submitted with the application show stormwater management for the full site and the FIRA confirms that the proposal will not have an impact on flood behaviour, movement or pollutant risk to the Murray River system.

According, the proposal is considered to unsatisfactorily address the objectives of Clause 7.7 of WLEP 2011

Clause 7.8 – Additional provisions – development on the river bed and banks of the Murray River

This clause only applies to land in the bed and up to the top of the bank. The works are proposed beyond the top of bank and therefore the clause is not applicable to the proposed development.

(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

Chapter 3 -General Development

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	8.62m to top of the bank	Not compliant, but adequately addressed within the application and supporting documentation
2.1 Buffer corridor	All properties – 40m	8.62m to top of the bank	Not compliant, but adequately addressed within the application and supporting documentation

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. Appropriate conditions can be imposed to prevent soil erosion and sediment loss of and to the Murray River and riverbank.

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. Appropriate conditions can be imposed to preserve existing native vegetation on the site.

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 proposed pool location is some distance from any River Red gums which may be on the banks of the Murray River and is considered to be outside the tree protection zone of those trees.

4 Flood Affected Land

The site is affected by flooding and has been considered under section 5.21 of the WLEP 2011. The WDCP defines the flood planning level and land at or below a 1% AEP flood level plus 750mm freeboard. However, a recent Council resolution now prescribes a 500mm freeboard, as recommended by the Wentworth Flood Study 2026.

A Flood Impact and Risk Assessment has been provided to support the application.

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	Garage width is 14.58m of the full 45.4m of the dwelling The subject site is setback approximately 280 metres from the Hendy Road (Sturt Highway)	Compliant

Applicable WDCP 2011 controls	Development standards			Development proposal	Compliance/ Comment
	Dwelling entry to address the street.			The dwelling is orientated to the north, which is considered to be the front of the property	
4.1.3 Front setback	Type of development	RU5	R5	Dwelling is to be located 57 metres from the front (northern) boundary and will not be visible from the streetscape	Compliant
	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 ≤ 2m. - If the difference is > 2m, use the average setback of both adjoining dwellings.				
4.1.4 Side setback and corner lot setbacks	Type of development	Controls		Setback 2.5m from eastern boundary Setback 4.6m from western boundary	Compliant
	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		Setback to swimming pool from top of the bank 8.62m	Compliant
	Single-storey building	3m (minimum)			

Applicable WDCP 2011 controls	Development standards		Development proposal	Compliance/ Comment				
	<table><tr><td>Two-storey building</td><td>6.5m (minimum) for the 2nd storey component</td></tr><tr><td>Residential flat building</td><td>7.5m (minimum)</td></tr></table>	Two-storey building	6.5m (minimum) for the 2 nd storey component	Residential flat building	7.5m (minimum)		Setback to dwelling verandah from top of the bank 24.m	
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 Exception: Can exceed these if abutting a higher existing or simultaneously built wall		No walls on boundaries	Not applicable				
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.		The dwelling is a single storey building, however, the overall height is 6.97m. Due to the location of development on adjacent properties, there is no asserted risk of overshadowing impacts.	Compliant				

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
4.1.8 Site coverage	60% (for single dwelling houses and dual occupancies)	Site coverage is approximately 25%	Compliant
4.1.9 Private Open space	Each dwelling must have at least 40m² 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.	Due to the significant size of the allotment, there is approximately in excess of 4,000sqm of private open space	Compliant
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.	Direct sunlight to living areas and POS is achieved due to the north/south orientation of the dwelling	Compliant
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	Light court to habitable rooms is achieved due to dwelling orientation and setback distances	Compliant
4.1.12 North-facing windows	If a north-facing habitable room window is within 3m of a 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	North facing windows are not located within 3m of the boundary	Compliant

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
	- 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	Single storey dwelling	Not applicable
4.1.14 Fencing and retaining walls	Front fence = 1.5. (main road) Or 1.2m (other street)	Retaining walls have been designed for flood mitigation by qualified engineers. 1.8m colourbond boundary fences are also proposed.	Compliant

Applicable WDCP 2011 controls	Development standards	Development proposal	Compliance/ Comment
4.1.15 Car parking and vehicle access	Dwelling house = 1 space per dwelling 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	The development includes a 4-car garage and attached carport, providing more than adequate car parking spaces. The site is large enough to allow for adequate vehicle movements and access	Compliant
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. Batters must not exceed a 1:2 slope unless site stability is confirmed. Stormwater runoff must not impact neighbouring properties.	The proposed fill will exceed the prescribed 1m, but is required for flood mitigation and ensuring the floor level of the dwelling is 500mm above the 1% AEP The underground cellar will have a finished depth of 3m Stormwater has been significantly planned in the civil plans provided with the application	Not compliant

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 <i>(insert an 'x' in the relevant section)</i>	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	x			The proposed development is consistent with the developments in the surrounding area.
Public domain & Streetscape	x			The proposed location of the dwelling, carport, retaining wall and swimming pool substantially meets the WDCP 2011 requirements.
Landscaping			x	Not part of this application.
Stormwater	x			Discharge to legal point of Councils stormwater system to be conditioned.
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 effect anticipated provided the development does not encroach further to the riverbank.
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.
Access & Parking	x			Adequate parking availability on site.
Roads & Traffic			x	Not applicable.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Solar Access and Energy Efficiency	x			Basix and NatHERS included with application.
Overshadowing				** N/A as single storey dwelling.
Privacy & Overlooking				** N/A as single storey dwelling.
Flooding	x			A Flood Impact and Risk Assessment has been provided.
Bushfire Prone Area			x	Not in bushfire prone land.
Noise				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	Y	Thank you for seeking comment from Essential Energy in relation to the proposed development. Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development: Essential Energy advises that the proposed pool location is in close proximity to Essential Energy's Infrastructure. As the proposed pool is located in close proximity to Essential Energy Infrastructure and does not meet the requirements of the Developments near Essential Energy's Infrastructure Guidelines, the applicant must engage a suitably qualified Level 3 Accredited Service Provider (ASP) / Electrical Engineer to undertake a safety and blowout clearance assessment along with an earthing study to ensure compliance with this document and also ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Once finalised, the applicant should submit a Network Encroachment Form via Essential Energy's website and provide all supporting documentation necessary to enable assessment by the Encroachments team. Please note that fees and charges apply where Essential Energy provides this service. The applicant is advised to engage an Accredited Service Provider (ASP Level 2 Electrical Contractor) to assess and, where necessary, undertake any required works to ensure that the service wire entering the property complies with AS/NZS 3000 and the NSW Service and Installation Rules, having regard to the proposed development and revised site layout. General Requirements (not site specific): The applicant must consider and apply only those requirements relevant to the site and proposed development. • Any changes to the proposed development may introduce potential safety risks; accordingly, consultation with Essential Energy is recommended to obtain further advice via the NSW Planning Portal. • All existing easements and encumbrances in favour of Essential Energy (or its predecessors), as noted on the land title, must be maintained and complied with. • All works undertaken in proximity to electricity infrastructure must be carried out in accordance with the latest ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. • Prior to undertaking any excavation works, an enquiry must be lodged via Before You Dig Australia (BYDA) in accordance with Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW): Before You Dig Australia (BYDA).

Department	Referred Y/N	Comments
		Applicants should also note that both overhead and underground assets are identified within Look Up and Live. • All works near powerlines must comply with SafeWork NSW safety obligations and clearance requirements; if clearances cannot be maintained, submit a Request for Safety Advice (refer to SafeWork NSW, the Working Near Overhead Powerlines Code of Practice and CEOP8041 - Work Near Essential Energy's Underground Assets). • The applicant is advised that, where existing services are present, an Accredited Service Provider (ASP Level 2 Electrical Contractor) must be engaged to assess and, if required, bring the installation into compliance with AS/NZS 3000 and the NSW Service and Installation Rules • If the proposal includes a subdivision, an easement is to be created to accommodate any existing electrical infrastructure. The easement must be established in accordance with Essential Energy's standard terms current at the time of registration of the plan of subdivision. • All Torrens lots must have access and frontage to a public road as per NSW Service and Installation rules. This is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development. • For subdivision developments, a Notification of Arrangement (confirming satisfactory electricity supply arrangements) must be obtained from Essential Energy for all proposed lots prior to the release of the Subdivision Certificate. The applicant is responsible for applying for supply and for all associated fees and contributions. For further guidance, refer to Land Developments. Essential Energy Development Application Advice Response Page 1 of 2 01 June 2026 • Where new roads and / or driveways are proposed as part of the development, they must be designed and constructed in accordance with Section 7 of the ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure. • Where the proposed development's projected electricity demand exceeds standard supply capacity, network and/or supply augmentations may be required, including the possible installation of a padmount substation within your development. Early engagement via Essential Energy's Connection Portal is required to confirm network requirements. Where augmentation works are necessary, these must be undertaken by an Accredited Service Provider. For further guidance, refer to Connecting to the Network.

Department	Referred Y/N	Comments
		• A full list of suitably qualified Level 1, Level 2 & Level 3 Accredited Service Providers (ASP's) / Electrical Engineers is available at Accredited Service Providers. Essential Energy advises that any further correspondence in relation to amended plans, additional information, or requests for subsequent advice must be submitted via the NSW Planning Portal. This should occur through re-referral of the relevant Agency Case to Essential Energy to enable further assessment and comment. The Applicant is responsible for ensuring that the proposed development complies with all relevant statutory requirements, rules, regulations, and applicable standards as this correspondence is advice following proposed development review only. Regards, Technical Enquiries Essential Energy Essential Energy Development Application Advice Response
Transport for NSW	Y	In response to documentation for the subject proposal uploaded onto the NSW ePlanning portal, Transport for NSW – Maritime (Maritime) advise that the existing riverfront use at this Lot relates to the operation of a commercial marina facility, known as the Malibu Bay Marina. There is a current commercial mooring licence administered by Transport for NSW that regulates the use of the facility and provides for six (6) houseboat moorings, as well as associated services including on-site accommodation, storage and vessel provisioning. Subsequent to Maritime's request for further information, the proponent confirmed that the current riverfront use, being the operation of a commercial marina, will cease entirely prior to the commencement of the proposed development. In acknowledgment of the above, I wish to confirm that Maritime has no objections to this proposal, assessed on the grounds of impact to safe navigation, provided the following conditions are adopted: 1. The operation of the commercial marina facility (existing riverfront use) must cease prior to the commencement of the proposed development. Reason: to ensure there is no restricted access arrangements to the marina facility (existing riverfront use) resulting from the development, including for emergency services. 2. A minimum of 6 months' notice be given to any party impacted by the closure of the Malibu Bay Marina (existing riverfront use), including Transport for NSW. Reason: to allow impacted parties time to make alternate arrangements where necessary, including for vessel owners to seek alternate lawful storage arrangements for their vessel/s. 3. Any vessel proposed to occupy NSW navigable waters adjacent to this Lot on an ongoing basis (i.e. single mooring) after the existing riverfront use ceases must obtain the required planning

Department	Referred Y/N	Comments
		approval and, where applicable, a licence administered by the appropriate authority. Reason: to comply with the relevant planning and marine legislation. OFFICIAL 13 12 36 1 Locked Bag 5100, Camperdown NSW 1450 roads-waterways.transport.nsw.gov.au Transport for NSW It is important to note that the proponent, or any entity or contractor acting on their behalf, are not exempt from the provisions of the Marine Safety Act 1998, or any other relevant legislation, and all parties must comply with any direction given by NSW Maritime Authorised officers with regard to safe navigation or the prevention of pollution. Should you have any queries in relation to this matter please contact Manager Waterways Operations Nathaniel Jacobs on 0400 675 149, and please forward a copy of the Determination of Consent for our information to: NavSouth@transport.nsw.gov.au
Rural Fire Service	N	
Heritage NSW	N	
NSW Dept of Primary Industries	N	
Water NSW	Y	No response
DCCEEW	Y	No response

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	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

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 Village. 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 Chapters 3 and 4 of the Wentworth Shire Development Control Plan (Dec 2011). (*Sec 4.15 (a)*)
5. The proposed Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the State Environmental Planning Policy (Sustainable Buildings) 2021
6. 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: <i>Michele Bos</i>	
Michele Bos Cadell Consulting Services	
Date: 30/07/2026	

 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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**DA2026/107 DWELLING WITH GARAGE, CARPORT, RETAINING WALL AND
SWIMMING POOL WITH SAFETY BARRIER
18 HENDY ROAD LOT 570 DP 1306000 BURONGA**

GENERAL CONDITIONS

1.	Approved Development Approval is for a Dwelling with Garage, Carport, Retaining Wall and Swimming Pool with Safety Barrier located at 18 Hendy Road Buronga (Lot 570 DP 1306000). 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 Aspire; Project No. AA24-063; Sheet No WD-A01; Date: March 2026 • Site and Existing Conditions Plan by Aspire; Project No. AA24-063; Sheet No TP-A02; Date: March 2026 • Site Plan by Aspire; Project No. AA24-063; Sheet No TP-A03; Date: March 2026 • Pool & Fence Details & Cellar Floor Plan by Aspire; Project No. AA24-063; Sheet No TP-A04; Date: March 2026 • Floor Plan by Aspire; Project No. AA24-063; Sheet No TP-A06; Date: December 18, 2025 • Elevation Plan by Aspire; Project No. AA24-063; Sheet No TP-A08; Date: March 2026 • Floor Plan (Raised) by Aspire; Project No. AA24-063; Sheet No TP-A12; Date: March 2026 • Civil Plans by Tonkin; Project No: 250325; Drawing Nos. C01, C02, C03, C04, C05; Revision: B; Date 16.01.26 • Basix Certificate: Certificate number: Number: 1771110S_05; Date: Thursday 04 June 2026;; page: 1-10 • Flood Risk and Impact Assessment (FIRA) by Tonkins; 260773L001Rev0; Date: 8 May 2026 Changes to the Approved Plans are set out in the Design Amendments Condition # 16 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.	Essential Energy - Conditions Essential Energy advises that the proposed pool location is in close proximity to Essential Energy's Infrastructure. As the proposed pool is located in close proximity to Essential Energy Infrastructure and does not meet the requirements of the Developments near Essential Energy's Infrastructure Guidelines, the applicant must engage a suitably qualified Level 3 Accredited Service Provider (ASP) / Electrical Engineer to undertake a safety and blowout clearance assessment along with an earthing study to ensure compliance with this document and also ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Once finalised, the applicant should submit a Network Encroachment Form via Essential Energy's website and provide all supporting documentation necessary to enable assessment by the Encroachments team. Please note that fees and charges apply where Essential Energy provides this service. The applicant is advised to engage an Accredited Service Provider (ASP Level 2 Electrical Contractor) to assess and, where necessary, undertake any required works to ensure that the service wire entering the property complies with AS/NZS 3000 and the NSW Service and Installation Rules, having regard to the proposed development and revised site layout. General Requirements (not site specific): The applicant must consider and apply only those requirements relevant to the site and proposed development. - Any changes to the proposed development may introduce potential safety risks; accordingly, consultation with Essential Energy is recommended to obtain further advice via the NSW Planning Portal. - All existing easements and encumbrances in favour of Essential Energy (or its predecessors), as noted on the land title, must be maintained and complied with. - All works undertaken in proximity to electricity infrastructure must be carried out in accordance with the latest ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. - Prior to undertaking any excavation works, an enquiry must be lodged via Before You Dig Australia (BYDA) in accordance with Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW): Before You Dig Australia (BYDA). Applicants should also note that both overhead and underground assets are identified within Look Up and Live. - All works near powerlines must comply with SafeWork NSW safety obligations and clearance requirements; if clearances cannot be maintained, submit a Request for Safety Advice (refer to SafeWork NSW, the Working Near Overhead Powerlines Code of Practice and CEOP8041 - Work Near Essential Energy's Underground Assets). - The applicant is advised that, where existing services are present, an Accredited Service Provider (ASP Level 2 Electrical Contractor) must be engaged to assess and, if required, bring the installation into compliance with AS/NZS 3000 and the NSW Service and Installation Rules - If the proposal includes a subdivision, an easement is to be created to accommodate any existing electrical infrastructure. The easement must be established in accordance with Essential Energy's standard terms current at the time of registration of the plan of subdivision.

	• All Torrens lots must have access and frontage to a public road as per NSW Service and Installation rules. This is to allow for the provision of power/services to the new development, a right of carriageway can not to be used for the provision of power/services to any part of the new development. • Where new roads and / or driveways are proposed as part of the development, they must be designed and constructed in accordance with Section 7 of the ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure. • Where the proposed development's projected electricity demand exceeds standard supply capacity, network and/or supply augmentations may be required, including the possible installation of a padmount substation within your development. Early engagement via Essential Energy's Connection Portal is required to confirm network requirements. Where augmentation works are necessary, these must be undertaken by an Accredited Service Provider. For further guidance, refer to Connecting to the Network. • A full list of suitably qualified Level 1, Level 2 & Level 3 Accredited Service Providers (ASP's) / Electrical Engineers is available at Accredited Service Providers. This should occur through re-referral of the relevant Agency Case to Essential Energy to enable further assessment and comment. The Applicant is responsible for ensuring that the proposed development complies with all relevant statutory requirements, rules, regulations, and applicable standards as this correspondence is advice following proposed development review only. Condition reason: To ensure essential energy requirements are met.
6.	Transport for NSW – Conditions 1. The operation of the commercial marina facility (existing riverfront use) must cease prior to the commencement of the proposed development. Reason: to ensure there is no restricted access arrangements to the marina facility (existing riverfront use) resulting from the development, including for emergency services. 2. A minimum of 6 months' notice be given to any party impacted by the closure of the Malibu Bay Marina (existing riverfront use), including Transport for NSW. Reason: to allow impacted parties time to make alternate arrangements where necessary, including for vessel owners to seek alternate lawful storage arrangements for their vessel/s. 3. Any vessel proposed to occupy NSW navigable waters adjacent to this Lot on an ongoing basis (i.e. single mooring) after the existing riverfront use ceases must obtain the required planning approval and, where applicable, a licence administered by the appropriate authority. Condition Reason: To comply with the relevant planning and marine legislation.
7.	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.

8.	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.
9.	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.
10.	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

11.	7.12 Contribution Before the issue of the relevant construction certificate, the applicant must pay a total contribution of \$29500 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.
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	Condition reason: To ensure the 7.12 Developer Contributions are paid.
12.	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.
13.	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.
14.	Building Material and Flooding Any building elements below the 1% AEP flood level must be of a durable nature suitable for prolonged periods of inundation. Condition reason: To ensure building materials suitable for inundation are used.
15.	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.
16.	Design Amendment

	Prior to the issue of a construction certificate, the following are to be submitted to Council for approval: - Plans of the proposed basement/underground cellar prepared by a chartered structural engineer showing dry flood proofing up to 40.57m AHD and electrical/HVAC services above 40.57m AHD - A site-specific Flood Management Plan detailing procedures for flood preparation, evacuation, emergency response and flood awareness for occupants. Condition reason: Ensure the safety of the development and residents as per recommendations of the Flood Impact and Risk Assessment.
17.	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.
18.	Flood Level The floor level of the dwelling is to be not less than 500 mm above the 1% AEP flood level. The 1%AEP for the land is 40.07 metres, as such the finished floor level must be 40.57 metres A.H.D. Condition reason: To provide protection to habitable structures in 1% AEP.
19.	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.
20.	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.
21.	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" data-bbox="288 286 1410 427"> <tr> <td>Infrastructure Bond (Security Deposit):</td><td>\$3,000.00</td></tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections):</td><td>As per Councils fees and charges</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 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.	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections):	As per Councils fees and charges
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections):	As per Councils fees and charges				
22.	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.				
23.	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.				
24.	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 or the adjacent Murray River.				

	Condition reason: To ensure the pool is appropriately designed and constructed.
25.	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.
26.	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.
27.	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.
28.	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.
29.	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.

30.	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.
31.	Structure / Material Before the issuance of a Construction Certificate, the erection of a fence or placement of additional fill in easements on the property, 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 the easement and undertaking any future maintenance will be at the beneficiary's risk. Condition reason: To ensure the fence is adequately designed and built.

BEFORE BUILDING WORK COMMENCES

32.	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.
33.	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.
34.	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.
35.	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.
36.	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.
37.	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.
38.	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.

39.	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.
40.	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

41.	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.
42.	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.
43.	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.
44.	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.
45.	Encroachment of Easements No works are to encroach over any easements. Condition reason: To ensure works are not carried out over easements.
46.	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.
47.	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).
48.	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.
49.	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.
50.	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.
51.	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.
52.	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.
53.	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.
54.	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.
55.	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.
56.	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.
57.	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

58.	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.
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	Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).
59.	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.
60.	Surrender of Development Application Before the issue of the relevant occupation certificate, a notice of surrender under section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> must be submitted and a "Notification of Satisfaction Of Surrender Notice" issued by Council for development application DA6/80. This must occur after the minimum 6 months' notice has been given to any party impacted by the closure of the Malibu Bay Marina (existing riverfront use), including Transport for NSW as per condition # 6. Condition reason: To ensure the houseboat hire fleet operation is ceased on the land.
61.	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.
62.	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.
63.	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.
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OCCUPATION AND ONGOING USE

64.	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
65.	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.
66.	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.
67.	Ongoing Use – Dwelling with Garage & Carport The garage cannot be used for habitation. Condition reason: To ensure appropriate use as per approval.
68.	Mooring usage No mooring of vessels must occur on the land inline with Condition #6, unless a development application is lodged and approved by Council. Condition reason: to ensure there is no restricted access arrangements to the marina facility (existing riverfront use) resulting from the development, including for emergency services.
69.	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.
70.	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.
71.	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.
72.	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.
73.	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.
74.	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.
75.	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.

9.22 DA2026/113 DWELLING (CONCEPT APPLICATION) RIVER ROAD LOT 1 DP 1313154 POMONA

File Number: RPT/26/403

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 (DA2026/113) was lodged on 2 July 2026 for a dwelling concept application at Lot 1 DP 1313154 Pomona.

Under the RU4 Primary Production Small Lot zoning of the Wentworth Local Environmental Plan 2011 (WLEP 2011), the proposed concept development (dwelling house) is permitted with consent if the requirements under section 4.15 of the Environmental Planning and Assessment Act 1979 are met.

Clause 4.2B of the WLEP 2011 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:

- 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) shown above as follows:

- a) The lot is below the Minimum Lot Size (MLS) for the zone at 1.277 ha where the MLS is 10ha.
- b) Allotment was approved and created after the commencement of the WLEP 2011.

The proposed development is on land with an area of 1.277 ha, below the MLS of 10ha. This variation is greater than 10%, and as such, the application cannot be determined by delegated authority and must be determined by Council.

Recommendation

That Council:

1. Determine DA2026/113 for a dwelling (concept application) at Lot 1 DP 1313154 Pomona 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 DA2026/113, having consideration of the details provided both within this report and the attachments provided.

Background

A development application (DA2026/113) was lodged with Council on 2 July 2026 for a dwelling (concept develop) at Lot 1 DP 1313154 Pomona.

Under the RU4 Primary Production Small Lots of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling – concept development) is 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 –*
 - o *A lot that is at least the minimum lot size specified for that land by the lot size map, or*
 - o *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*
 - o *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.

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 is 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 - Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development. The proposed concept development for a dwelling house is permitted with consent under the RU4 zone of the WLEP 2011.

The dwelling does not meet the minimum lot size standard under clauses 4.2B and the clause 4.6 variation request provided by the applicant did not provide adequate justification for the contravening of development standards contained in Clause 4.2B.

Due to the zoning and WLEP 2011 mapping impacting the land, the development application was assessed against clauses 5.21, 7.2, 7.4 and 7.5. The development application was able to satisfy the matters for consideration under clauses 5.21, 7.2, 7.4 and 7.5.

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 could not be assessed against the DCP due the limited information within the application.

Requirements of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 have not been fully met.

It is worth noting that while the concept development for the dwelling does not fully comply with the matters above, the application is a concept development application. This means that its approval does not authorize or approve the carrying out of any development on the land. A subsequent development application will be required.

Refer to attachment 4 – s4.15 Assessment Report

Refer to attachment 5 – Variation request

Refer to attachment 6 – Draft Conditions of Consent

Options

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

Refuse DA2026/113 for a concept development for a dwelling at Lot 1 DP 1313154 Pomona subject to the following reasons:

- The applicant's written request pursuant to Clause 4.6 of the *Wentworth Local Environmental Plan 2011* has not adequately demonstrated that compliance with the development standard contained in Clause 4.2B is unreasonable or unnecessary in the circumstances of the case, nor that there are sufficient environmental planning grounds to justify an 87.23% variation to the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of Clause 4.2B of the *Wentworth Local Environmental Plan 2011*, as it would permit the erection of a dwelling house on land significantly below the prescribed minimum lot size, thereby undermining the strategic intent and purpose of the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of the RU4 Primary Production Small Lots zone, as it would facilitate a rural residential outcome on land that is incapable of functioning as a viable primary production holding in its own right. The proposal would contribute to the fragmentation of rural land, reduce the long-term availability of land for agricultural purposes, and increase the potential for land use conflict between agricultural and residential activities.
- The proposal would establish an undesirable planning precedent that could encourage further significant departures from the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, resulting in the incremental creation of

rural residential or pseudo-lifestyle allotments within the RU4 Primary Production Small Lots zone and undermining the integrity of the statutory planning framework.

- Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed development. While the land is physically capable of accommodating a dwelling, the proposal relies upon a substantial departure from the minimum lot size requirement and is inconsistent with the strategic planning objectives applying to the land. The proposal would result in a residential outcome that is incompatible with the intended long-term use of the land for primary production.
- Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest. Approval of the development would undermine the integrity and consistent application of the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, be contrary to the strategic planning objectives for rural land, and diminish public confidence in the statutory planning framework by facilitating a significant and unjustified departure from a fundamental development standard.
- The consent authority is not satisfied that the proposed development achieves an orderly and economic use and development of land, as required by the objects of the *Environmental Planning and Assessment Act 1979*, having regard to the substantial non-compliance with the minimum lot size development standard and the resulting inconsistency with the strategic planning framework for rural land.

Or

Approve DA2026/113 for a concept development for a dwelling at Lot 1 DP 1313154 Pomona subject to draft conditions of consent.

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 subject to draft conditions of consent.

Attachments

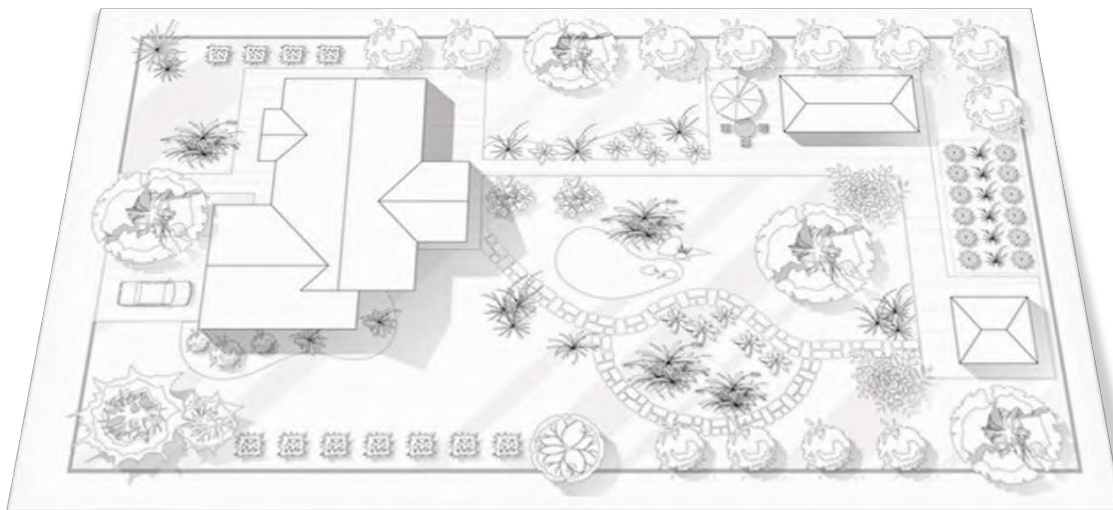
1. Development Application (under separate cover)⇒
2. Statement of Environmental Effects↓
3. Plan↓
4. S4.15 Assessment report↓
5. Variation request (under separate cover)⇒
6. Draft conditions of consent↓



STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED DEVELOPMENT – CLAUSE 4.6 VARIATION TO DEVELOPMENT
STANDARD 4.2B (3)(a) & CONCEPT DEVELOPMENT APPLICATION FOR A
DWELLING**

ADDRESS – LOT 1 DP1313154 RIVER ROAD, POMONA NSW 2648



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1. Introduction

Cadell Consulting Services has prepared this Statement of Environmental Effects report on behalf of the landowner of Lot 1 DP1313154 River Road, Pomona in accordance with the requirements of *Part 4 Development assessment and consent* of the *Environmental Planning and Assessment Act 1979*.

The application seeks approval of a Concept Development for the future development of a dwelling on the subject site, in accordance with Section 33 of the *Environmental Planning and Assessment Regulation 2021* and Section 4.4 of the *Environmental Planning and Assessment Act 1979*.

In order to enable the submission of the application, a Variation to Development Standards (Clause 4.2B of the Wentworth Local Environmental Plan 2011) request has also been prepared and is submitted with this development application.

2. Subject Site and Surrounding Area

2.1 Subject Site

<i>Address</i>	River Road, Pomona
<i>Lot & DP</i>	Lot 1 DP 1313154
<i>Land size</i>	1.277 Hectares
<i>Zone & MLS</i>	RU4 Primary production small lots zone & 10 hectares MLS
<i>Site description</i>	The subject site is irregular in shape and has its access adjacent to the northern boundary of Lot 2 DP1313154. The Darling River and riverine land is located adjacent to the south-eastern boundary of the allotment.
<i>Current use</i>	The site is currently being used for horticulture.
<i>Proposed use</i>	The proposed dwelling will allow the site to be used for small scale agriculture, with the dwelling being an ancillary use.
<i>Natural hazards</i>	Part of the subject site, being the bank of the Darling River, is subject to flooding as per Council mapping. The flood extent of the site is 30 metres from the south eastern boundary. Therefore, the setback of the proposed dwelling at 40 metres is located outside of the flood prone area. The subject site is not located in Bush Fire Prone Land as per Council mapping.

4

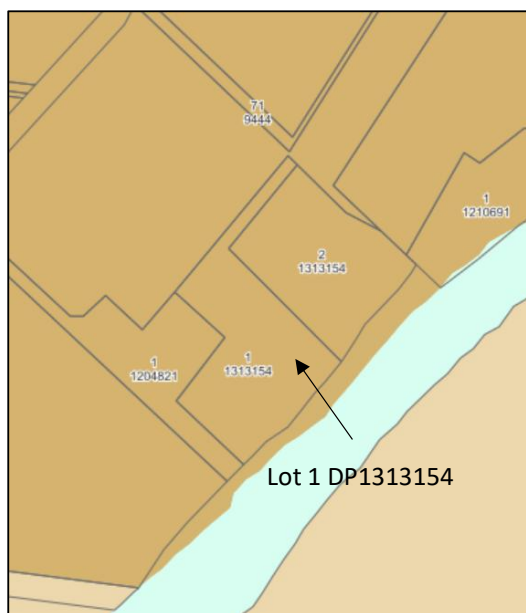


Figure 1: Land zoning (source intramaps)

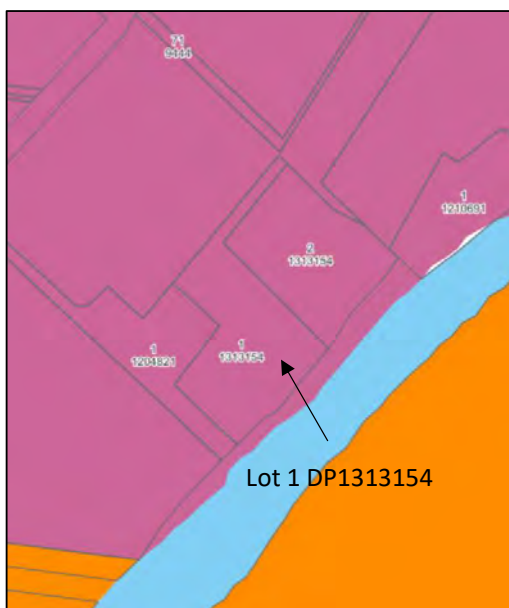


Figure 2: Lot Size (Source Intramaps)



Figure 3: Concept site plan

2.2 Use & Development in Surrounding Area

The surrounding uses and development include a mix of rural residential development and agriculture on allotments of varying sizes. There are several small residential allotments surrounding the subject site, especially along the Darling River to the North-East.



Figure 4: Surrounding land uses and development (Source Nearmap)

3. Proposed Development

<i>Proposed building(s)</i>	Concept development application for a Dwelling. The concept building envelope is approximately 2250 sqm metres in area. Although the area exceeds the size of a future dwelling footprint, it allows for a level of flexibility for the specific location of new dwelling.
<i>Building materials</i>	To be approved via a subsequent development application
<i>Colour scheme</i>	To be approved via a subsequent development application
<i>Intended use</i>	Residential dwelling to support small scale horticulture on site and support surrounding horticulture
<i>Demolition works</i>	NIL
<i>Staging of development</i>	Development would be commenced and completed in one stage, following the issue of consent of a subsequent development application
<i>Other works</i>	Works consistent with the construction of a dwelling

4. Relevant Planning Controls

4.1 State Environmental Planning Policy

Statement Environmental Planning Policy (Primary Production) 2021

Schedule 4 Part 2 Section 3 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

The objective of this SEPP is to minimise potential land use conflict on land that is used for rural purposes.

The following matters are to be taken into consideration when determining an application for a dwelling:

- The existing and approved uses of land within the vicinity of the proposed development
- Whether the proposed development will have a significant impact on the predominant land uses surrounding the subject site
- If the proposed development is incompatible with surrounding and predominant land uses
- Proposed methods to minimise incompatibility with surrounding and predominant land uses

Response

As shown in Figure 4 above, there are a mix of land uses within the vicinity of the subject site. Directly to the northeast of the subject site, the predominant land use is horticulture, while the properties further northeast, are rural residential.

The necessity for the proposed dwelling is to allow for small scale agriculture, which is a use permitted without consent in the RU4 Primary Production Small Lots zone.

It is considered that the proposed dwelling will be compatible with the existing surrounding development and will not have any negative impact on the existing predominant land uses. Given that several surrounding residential properties are smaller in lot size, the proposed development will not look out of character with the surrounding development and use of the area.

4.2 Wentworth Local Environmental Plan 2011

<i>Permissibility of development in the zone</i> Dwelling houses are permissible with consent
<i>Consistency with zone objectives</i> The proposed dwelling is consistent with the zone objectives as: - It will enable the use of the subject site for improved, sustainable rural purposes - It will promote the diversity of the use of the subject site by allowing small scale agriculture to take place - The proposed dwelling will not create land use conflict with existing surrounding land uses and development
<i>Applicable Principal development standards</i> Clause 4.2B Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4 requires land to be at least the minimum lot size that is specified in the Lot Size Map. The specified minimum lot size for the subject site is 10 hectares. The subject site is 1.277 hectares. As such, this development application also includes a Request to vary the development standard as specified in Clause 4.6 Exceptions to development standards and in accordance with the <i>Department of Planning and Environment Guide to Varying Development Standards November 2023</i>.
<i>Applicable Miscellaneous provisions</i> Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones This clause reflects the same objectives and matters that must be considered when determining an application as those in the <i>Statement Environmental Planning Policy (Primary Production) 2021 Schedule 4 Part 2 Section 3 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones</i> Response provided above in Section 4.1 Clause 5.21 Flood planning The objectives of this clause are to minimise flood risk to life and property, allow for compatible development on flood prone land, avoidance of cumulative impacts on flood behaviour and ensuring safe occupation and evacuation in the event of a flood. The proposed development does not contravene these objectives, in that the proposed dwelling will be located outside of the flood prone area. This will ensure that the development and use of the site will not alter the behaviour and movement of flood water. The site has safe and adequate access to ensure that the evacuation of the site during a flood event.
<i>Applicable Additional local provisions</i> Clause 7.6 Development on river front areas The proposed development will not be located on land in a river front area due to the proposed building envelope setback of approximately 40 metres. Clause 7.7 Riparian land and Murray river and other watercourses – general principles The proposed development will not impact the water quality, stability or the bed and bank of the Darling river, the riparian habitats or ecological processes within the watercourse or riparian area.

4.3 Wentworth Development Control Plan 2011

Chapter 5 Development Control Plan Rural Development Controls 5.3 Rural dwellings

The general requirements for dwellings in the RU4 Primary Production Small Lots zone, are:

- Orientation of living areas to the north
- Front setback of 15 metres
- Colours to be consistent with the rural character of the area
- Siting of dwelling is to respect the amenity of the site and neighbours

- Not to be developed near intensive agriculture development
- Avoid damage to, or removal of, environmental features, native vegetation, watercourses, drainage channels
- Removal of any existing illegal structures
- Provision of a minimum of 46,000 litres or more of potable water (rainwater)
- An approved wastewater management system
- Fences are to be sympathetic to the rural environment
- Dwelling setbacks from river of 100 metres, not consistent with WLEP 2011
- The land capability requirement is to be waived as the agricultural land use of grazing, has been ongoing for many years. The aim of the proposed development is to facilitate intensification of the use by managing additional stock on the site.

The above requirements will be considered in the preparation of development plans to be lodged as a separate development application, subsequent to the consent for this variation request and concept development application for a dwelling.

5. Assessment

Context Analysis

Will the development be:

- *Visually prominent in the surrounding area?*
- *Inconsistent with the existing streetscape?*
- *Out of character with the surrounding area?*
- *Inconsistent with surrounding land uses?*

Response

The proposed concept development for a dwelling will not be visually prominent due to the size of the allotment.

It will be consistent with the existing, surrounding development, in character with the surrounding area and consistent with surrounding land uses.

Privacy, view and overshadowing

Will the development result in:

- *Privacy issues?*
- *Overshadowing of adjoining properties?*
- *Acoustic issues from excessive noise?*
- *Impacts on views?*

Response

There will be no anticipated privacy, overshadowing, acoustic or impact on the views or amenity of the surrounding development and residents.

Access & Traffic

Will the development:

- *Have legal and practical, or require new access?*
- *Increase local vehicle movements?*
- *Require onsite vehicular manoeuvring and onsite parking?*
- *Require offsite parking?*

Response

There is legal access through to the subject site via a carriageway easement on Lot 3 DP1313154. There is no new access proposed.

The future vehicle movements will only be related to the residents of the proposed new dwelling. There is no requirement for offsite or additional onsite parking or vehicular manoeuvring.

Infrastructure & Utilities

Will the development require:

- Power?
- Water?
- Sewer?
- Stormwater?
- Telecommunication?

Response

There is access to power and a water supply to support the proposed concept development application.

Stormwater will be managed on site.

An appropriate wastewater system will be required to be installed on site.

Telecommunication providers can be accessed, as required.

Environmental impacts

Will the development likely result in:

- Air pollution?
- Water pollution?
- Noise impacts?
- Necessary excavation or filling?
- Erosion or sediment run-off?
- Soil contamination?
- Environmentally sustainable development, is a BASIX certificate require?
- Negative impacts on heritage items or items of cultural significance?
- Disturbance of aboriginal artefacts or relics?

Response

The proposed new dwelling will not cause or result in environmental impacts such as, air or water pollution, noise impact, excavation, erosions and sediment run-off or soil contamination.

There are no known heritage listed items or areas of cultural significance on or surrounding the subject site. Refer to the attached AHIMS Report.

Noise applicable to the construction of a dwelling can be expected during construction period.

During soil and site preparation, should any aboriginal artefacts or relics be found, works will be ceased immediately and the Local Aboriginal Land Council will be notified.

Biodiversity impacts

Will the development result in:

- The removal of any native vegetation on the site?
- Any impact on threatened species or native habitat?

Response

The subject site has historically been cleared of vegetation for horticulture. There is some remnant riparian vegetation and the proposed development will not result in the removal of any native vegetation or impact on threatened species or native habitat.

Waste & Stormwater disposal

- How will effluent be managed? Sewer or onsite?
- How will stormwater be disposed? Drainage system or other?
- Will liquid trade waste be discharged to Council's sewer?
- Will the development result in hazardous waste or disposal issues?
- Have all stormwater risks been considered?
- Will the development include rainwater tanks?

Response

Wastewater will be managed onsite through the installation of an approved system.
Stormwater will be collected and retained onsite. Overflow of stormwater will be directed appropriately.
The development will include adequate rainwater tanks for a potable water supply.
Additional details will be provided with the subsequent development application.

Social and Economic impacts**Will the development result in:**

- Any economic impacts?
- Any social impacts?
- Any issues relating to safety, security or crime?

Response

There will be economic benefit to the landowner with the ability to reside on the site to enable improved monitoring, management and operation of a small-scale rural enterprise on the subject site, whilst supplementing off-farm income.
Additionally, the proposed dwelling will negate the necessity and cost or investment associated with living in alternative accommodation, increasing the ability for future investment and potential for expansion of the rural enterprise.
There are social benefits to the local Pomona community by increasing the number of residents within that small, rural community.
There are security benefits from the proposed development to the subject site and surrounding landowners, through the presence of additional local residents. This will also assist with deterring theft and illegal trespassing in the area.

6. Conclusion

It is concluded that the Request to Vary a Development Standard and the application for the Concept development of a Dwelling on the subject site, as outlined in this Statement of Environmental Effects report and the attached documentation, should be granted development consent by Wentworth Shire Council.

This conclusion is made on the basis that the proposed variation request and development concept of a dwelling will not be out of character with the existing surrounding development, will not have a negative impact on surrounding agricultural land uses and will enable and support the intensification of the agricultural use of the subject site and potential expansion of the small rural enterprise.

Note: A subsequent development application will be required to be lodged for Council's approval, prior to the application of a Construction Certificate.



	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:	DA2026/113 & PAN-649485
Property Title & Address:	P2307/1 – River Road Lot 1 DP 1313154 Pomona
Property owner(s):	Mark and Bronwyn King
Applicant(s):	Cadell Consulting Services
Proposal:	Dwelling (Concept Application)
Previous DAs:	DA2024/097 Three Lot Boundary Realignment and Creation of Easement
Cost of proposed development:	\$0.00
Recommendation of Officer:	Recommended for Refusal

SITE AND SURROUNDING DEVELOPMENT

The site is Lot 1 DP 1313154 located at River Road, Pomona. The Lot has an area of 12,770m² and connects to River Road and then Darling Road. All adjoining land uses are RU4 Small lot Primary production. The allotment fronts the Darling River.

The site is zoned RU4 Primary Production Small Lot under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The site is an irregular shaped lot with no native vegetation remaining due to land being used for primary production. Adjoining lots are also zoned RU4, 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 located within the urban release area. However, the site is mapped Terrestrial Biodiversity, Flood Prone and Riparian lands and watercourse.

Site details are in Table 1 and an aerial view in Figure 1.



Figure 1: Aerial view of the site (approximate boundary outlined in yellow).

Table 1: Site details

Zoning of the site	RU4 Primary Production Small Lot
Heritage	NA
Flooding affected	Yes
Bushfire affected	NA
Biodiversity Values mapped	Yes
Acid sulphate soil mapped	NA
Urban release areas mapped	NA

DESCRIPTION OF PROPOSAL

Council has received an application for a dwelling (concept application).

Further details are contained in Figure 2 below in terms of the proposed dwelling building envelope.



Figure 2 – Proposed Dwelling building envelope.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

2 July 2026	The development application was lodged with Council.
	The development application was placed on 14 days public exhibition until 24th July 2026.

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 if the proposed dwelling footprint remains to be a minimum 40m setback from the Darling River.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate will be required for any future application for a dwelling.

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 RU4 Primary Production small lot, where a dwelling is permissible with consent. The proposal is also consistent with the relevant zone objectives.

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.

Part 4 – Principal Development Standards

Part 4 Principal Development Standards are not applicable to this application.

Applicable WLEP 2011	Development Standard		Proposal	Compliance
4.1 Minimum lot size for subdivision	The lot size map indicates this area has a 10ha minimum lot size.		NA – No subdivision proposed	NA
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Dual occupancy (attached)	400	NA	NA
	Dual occupancy (detached)	400		
	Multi dwelling housing	400		
	Residential flat building	900		
4.2 Rural Subdivision in zones RU1, RU3, RU4	Subdivision is possible for primary production. Must comply with the minimum lot size in the map but not if an existing dwelling would be on that lot and no dwelling can be erected on that lot.		NA – No subdivision proposed.	NA
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.		Lot size is 1.2 HA, where there is an 87% variation. The DA concept is for a dwelling which is not permitted under 4.2B subclause 3.	Does not Comply
4.2C Rural workers' dwellings and secondary dwellings in RU1 and RU4	Must not impair the use of land for agricultural or rural industries		NA – not rural workers dwelling or secondary dwelling	NA

Clause 4.6 Assessment

The applicant has provided a 4.6 variation request that seeks vary Clause 4.2B of the Wentworth Local Environmental Plan 2011.

Clause 4.2B

Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4. This clause requires land to be at least the minimum lot size that is specified in the Lot Size Map. The specified minimum lot size for the subject site is 10 hectares. The subject site is 1.2ha. As such this development application also includes a request to vary the development standard as specified in Clause 4.6.

Comment:

In considering the proposed subdivision outcome, the applicant has provided information to support the intended future dwelling on the new allotment. The proposed lot is below the minimum lot size of 10ha, representing an 87.23% variation, and is therefore a significant departure from the principal development standard. While the site contains an existing horticultural operation that may benefit from an on-site presence for a residence, this does not override the applicable planning controls. Variations of the minimum lot sizes have been considered in the Local Environment Court of NSW, where significant justification is required for a 10-12% variation to the standard.

The NSW court appear to be consistent in their approach in protecting agricultural land as the primary use, but allowing minor variations as their view is that small lots should be approved that overrides the intent of the RU4 objectives, and become pseudo lifestyle properties. The Court commonly finds that the proposal is inconsistent with the objectives of the rural zone. The Court has frequently referred to these as effectively creating rural residential development under the guise of primary production, even where dwellings remain technically permissible.

Although the scale and form of the proposed dwelling may be generally consistent with surrounding development and aligns in part with the objectives of Clause 4.2B(1)(a) of the WLEP, this does not outweigh the extent of non-compliance with the principal development standard of minimum lot size requirement, especially with such a large variation. The proposal would result in an outcome that is inconsistent with the established planning framework and could contribute to incremental fragmentation of land within the RU4 zone. On balance, the proposed dwelling is not considered to achieve a satisfactory planning outcome for the site or the broader locality.

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 development site is not located within the flood planning area. However, the property is identified as flood prone land. 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. Additionally, the proposed development is considered to satisfy the objectives of Chapter 3 Section 4 of the WSDCP 2011-

Part 6 – Urban Release Areas

The site is not identified in the Urban Release Areas.

Part 7 – Additional Local Provisions

Clause 7.1 Earthworks

The submitted application does not provide details on earthworks proposed.

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 not located within a well serviced area but features existing water and electricity connections only. Provision for potable water and septic systems would be required.

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

There is not enough information to complete a comprehensive assessment against the relevant controls

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		The concept DA for a dwelling in this location where the small lot area is not considered viable, and where the dwelling proposed will be used ancillary to the horticultural enterprise. The previous DA for boundary realignment has occurred, and presumably considered the Principal Development Standards in particular 4.2D subclause 4 b) - "The number of dwellings on each lot after the subdivision will be the same as before the subdivision".
Public domain & Streetscape		X		The proposed location of the dwelling cannot be determined due to lack of detail in meeting 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 discharge can be achieved at site
Heritage			X	None located on site.
Soils & Soils Erosion		X		Cannot be confirmed with the level of detail provided.
Air and microclimate	X			No effect from proposed development anticipated.
Water Resources		X		Impact on Water resources cannot be determined.
Biodiversity (Flora & Fauna)	X			Future landscaping should encourage rehabilitation through growth of native species and create habitat for fauna which is considered achievable.
Land Resources			X	None known at this location

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Utilities		X		Limited utilities are available to the site. It is unclear where previous conditions of consent for viability of electricity connection is possible.
Access & Parking	X			Adequate parking availability on site
Roads & Traffic	X			Formal access via a sealed road and road creation/opening permit might be required in addition to the carriageway easement.
Solar Access and Energy Efficiency	X			Not included with application. But achievable.
Overshadowing	X			** N/A as single storey dwelling.
Privacy & Overlooking	X			** N/A as single storey dwelling.
Flooding	X			Siting of the dwelling is located away from the flood prone land. Finished Floor Levels maybe required.
Bushfire Prone Area			X	Not in bushfire prone land
Noise			X	Cannot be determined.
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,

While the subject site is physically capable of accommodating the proposed dwelling and is currently utilised for horticultural production, the suitability of the site must be considered in the context of the applicable statutory planning framework and the intended land use outcomes for the RU4 Primary Production Small Lots zone.

The site has an area of approximately 1.2 hectares, which is substantially below the prescribed minimum lot size of 10 hectares required under Clause 4.2B of the Wentworth Local Environmental Plan 2011 for the erection of a dwelling house. The proposed development therefore relies upon an 87.23% variation to a fundamental development standard that is intended to regulate the establishment of dwellings on rural land.

Although the applicant has submitted that an on-site dwelling would support the operation and management of the existing horticultural enterprise, the existence of an agricultural use does not, in itself, establish that the site is suitable for residential development contrary to the minimum lot size requirements. The planning framework seeks to ensure that dwellings are established on lots of sufficient size to maintain the long-term objectives of rural land use planning, including protecting agricultural land from fragmentation, minimising land use conflict, and discouraging the proliferation of rural residential development.

The proposed development would effectively establish a residential use on a lot that is significantly below the minimum size considered appropriate for the locality. In doing so, it would create an outcome more characteristic of a rural lifestyle allotment than land intended primarily for agricultural production. This outcome is inconsistent with the strategic planning intent of the Wentworth Local Environmental Plan 2011 and would undermine the integrity of the minimum lot size provisions.

While the physical characteristics of the land may enable construction of the dwelling and associated infrastructure, the planning suitability of the site is not determined solely by its physical capacity to accommodate development. The substantial non-compliance with Clause 4.2B demonstrates that the site is not suitable for the proposed development in planning terms.

Accordingly, it is considered that the subject site is not suitable for the proposed development having regard to the applicable planning controls, the objectives of the RU4 Primary Production Small Lots zone, and the broader objective of preventing the fragmentation of rural land and the incremental establishment of pseudo-rural residential development.

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.

Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the consent authority must consider whether the proposed development is in the public interest.

The public interest is served by ensuring that development is consistent with the strategic planning framework established by the Wentworth Local Environmental Plan 2011 and that development standards are applied in a manner that maintains the integrity, certainty and consistency of the planning system.

The proposed development relies upon an 87.23% variation to the minimum lot size requirement prescribed by Clause 4.2B of the Wentworth Local Environmental Plan 2011. The minimum lot size provisions are fundamental planning controls that have been established to protect the long-term productive capacity of rural land, prevent the fragmentation of agricultural holdings, minimise land use conflicts between agricultural and residential uses, and discourage the incremental establishment of rural residential development within primary production zones.

Although the applicant has demonstrated that an on-site dwelling may provide operational convenience for the existing horticultural enterprise, this benefit is primarily a private interest and does not outweigh the broader public interest in maintaining the integrity of the statutory planning

framework. Approval of such a significant variation would substantially undermine the purpose of the minimum lot size standard and diminish confidence in the consistent application of development controls.

Furthermore, the proposal has the potential to establish an undesirable planning precedent whereby future substantial departures from the minimum lot size provisions could be sought for other rural properties. Such an outcome would contribute to the cumulative fragmentation of rural land and the gradual creation of rural residential or lifestyle allotments within the RU4 Primary Production Small Lots zone, contrary to the strategic objectives of the Wentworth Local Environmental Plan 2011.

As the applicant's written request under Clause 4.6 has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary, nor that there are sufficient environmental planning grounds to justify such a substantial variation, the proposal cannot be regarded as being in the public interest.

Accordingly, it is considered that approval of the proposed development would not be in the public interest, as it would be inconsistent with the objectives of the development standard, the objectives of the RU4 Primary Production Small Lots zone, and the broader public interest in protecting the long-term viability of rural land and maintaining the integrity of the NSW planning system.

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	N	

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	N	
Subdivision Engineer	N	
Roads & Engineering	Y	Rural type standard driveway will be required to be constructed as per WSC standards. No Filtered or Unfiltered Water is available. (on site tanks will be required to be installed). No sewer is available in the area. An approved septic system (AWTS) is to be installed.
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	

Department	Referred Y/N	Comments
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

1. General comments:
2. The proposal does not satisfy the points for consideration listed under Section 4.15 part b, c, d and e of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned RU4 Primary Production small lots. The proposal is not considered to have detrimental impact on the site and surrounds. (*Sec 4.15 (a)*)
4. There is inadequate information provided for a full assessment of the proposed dwelling against the Wentworth Shire Development Control Plan (Dec 2011).
5. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Refuse the application on the following grounds:

- The applicant's written request pursuant to Clause 4.6 of the *Wentworth Local Environmental Plan 2011* has not adequately demonstrated that compliance with the development standard contained in Clause 4.2B is unreasonable or unnecessary in the circumstances of the case, nor that there are sufficient environmental planning grounds to justify an 87.23% variation to the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of Clause 4.2B of the *Wentworth Local Environmental Plan 2011*, as it would permit the erection of a dwelling house on land significantly below the prescribed minimum lot size, thereby undermining the strategic intent and purpose of the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of the RU4 Primary Production Small Lots zone, as it would facilitate a rural residential outcome on land that is incapable of functioning as a viable primary production holding in its own right. The proposal would contribute to the fragmentation of rural land, reduce the long-term availability of land for agricultural purposes, and increase the potential for land use conflict between agricultural and residential activities.

- The proposal would establish an undesirable planning precedent that could encourage further significant departures from the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, resulting in the incremental creation of rural residential or pseudo-lifestyle allotments within the RU4 Primary Production Small Lots zone and undermining the integrity of the statutory planning framework.
- Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed development. While the land is physically capable of accommodating a dwelling, the proposal relies upon a substantial departure from the minimum lot size requirement and is inconsistent with the strategic planning objectives applying to the land. The proposal would result in a residential outcome that is incompatible with the intended long-term use of the land for primary production.
- Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest. Approval of the development would undermine the integrity and consistent application of the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, be contrary to the strategic planning objectives for rural land, and diminish public confidence in the statutory planning framework by facilitating a significant and unjustified departure from a fundamental development standard.
- The consent authority is not satisfied that the proposed development achieves an orderly and economic use and development of land, as required by the objects of the *Environmental Planning and Assessment Act 1979*, having regard to the substantial non-compliance with the minimum lot size development standard and the resulting inconsistency with the strategic planning framework for rural land.

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Rod Croft Principal Consultant – Planning Wakefield Planning on behalf of Wentworth Shire Council	George Kenende Strategic Development Officer

Date: 24 July 2026	Date:
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The Following conditions have been drafted below in the event that Council wish to overturn the Council officer's recommendation for refusal.

 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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**DA2026/113 DWELLING (CONCEPT APPLICATION)
RIVER ROAD LOT 1 DP 1313154**

GENERAL CONDITIONS

1.	Approved Concept Development Approval is for a concept development application for a building envelope to construct a future dwelling house at Lot 1 DP 1313153 River Road, Pomona. Condition reason: To ensure all parties are aware of the approved concept development.
2.	Approved Plans and Documentation The development shall be in accordance with the following plans, documentation and recommendations made there in: • Site Plan (Proposed Building Envelope) Northern Land Solutions, reference number 263201. 29/6/2026 (Lot 1). 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.	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.
4.	Consent documentation A separate development application for a dwelling house within the nominated building envelope as per endorsed plans approved by this consent must be accompanied by the following documentation: - Preliminary Site Investigate report - Flood Impact and Risk Assessment Report - Detailed architectural Plans (Floor plan, Site Plan, Elevations, building heights, Sections, and cut

- and fill plan)
- BASIX and NatHERS Certificates
 - Stormwater Management Plan
 - Waste Water Management (Sewerage treatment – AWTS is required) (including Land Capability Assessment)
 - Landscaping Plan
 - Assess and parking plan
 - Any other matters relevant at the time of lodgement.

Note

-that there is no potable water available onsite, therefore any future Development application for a dwelling will require a minimum of 75,000 litre potable water tanks to be installed and included on submitted site plans

- A rural-type standard driveway upgraded to Wentworth Shire Council's standards will also be required through any further Development application for the dwelling. A section 58 approval will need to be sought for Councils approval

Condition reason: To comply with legislative requirements and confirm required documentation to accompany a future Development Application.

9.23 DA2026/114 DWELLING (CONCEPT APPLICATION) RIVER ROAD LOT 2 DP 1313154 POMONA

File Number: RPT/26/406

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 (DA2026/114) was lodged on 2 July 2026 for a dwelling concept application at Lot 2 DP 1313154 Pomona.

Under the RU4 Primary Production Small Lot zoning of the Wentworth Local Environmental Plan 2011 (WLEP 2011), the proposed concept development (dwelling house) is permitted with consent if the requirements under section 4.15 of the Environmental Planning and Assessment Act 1979 are met.

Clause 4.2B of the WLEP 2011 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:

- 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) shown above as follows:

- a) The lot is below the Minimum Lot Size (MLS) for the zone at 1.277 ha where the MLS is 10ha.
- b) Allotment was approved and created after the commencement of the WLEP 2011.

The proposed development is on land with an area of 1.086 ha, below the MLS of 10ha. This variation is greater than 10%, and as such, the application cannot be determined by delegated authority and must be determined by Council.

Recommendation

That Council:

1. Determine DA2026/114 for a dwelling (concept application) at Lot 2 DP 1313154 Pomona 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 DA2026/114, having consideration of the details provided both within this report and the attachments provided.

Background

A development application (DA2026/114) was lodged with Council on 2 July 2026 for a dwelling (concept develop) at Lot 1 DP 1313154 Pomona.

Under the RU4 Primary Production Small Lots of the *Wentworth Local Environmental Plan 2011* (WLEP 2011), the proposed development (dwelling – concept development) is 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 –*
 - o *A lot that is at least the minimum lot size specified for that land by the lot size map, or*
 - o *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*
 - o *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.

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 is 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 - Plans

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters prescribed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development. The proposed concept development for a dwelling house is permitted with consent under the RU4 zone of the WLEP 2011.

The dwelling does not meet the minimum lot size standard under clauses 4.2B and the clause 4.6 variation request provided by the applicant did not provide adequate justification for the contravening of development standards contained in Clause 4.2B.

Due to the zoning and WLEP 2011 mapping impacting the land, the development application was assessed against clauses 5.21, 7.2, 7.4 and 7.5. The development application was able to satisfy the matters for consideration under clauses 5.21, 7.2, 7.4 and 7.5.

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 could not be assessed against the DCP due the limited information within the application.

Requirements of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 have not been fully met.

It is worth noting that while the concept development for the dwelling does not fully comply with the matters above, the application is a concept development application. This means that its approval does not authorize or approve the carrying out of any development on the land. A subsequent development application will be required.

Refer to attachment 4 – s4.15 Assessment Report

Refer to attachment 5 – Variation request

Refer to attachment 6 – Draft Conditions of Consent

Options

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

Refuse DA2026/114 for a concept development for a dwelling at Lot 2 DP 1313154 Pomona subject to the following reasons:

- The applicant's written request pursuant to Clause 4.6 of the *Wentworth Local Environmental Plan 2011* has not adequately demonstrated that compliance with the development standard contained in Clause 4.2B is unreasonable or unnecessary in the circumstances of the case, nor that there are sufficient environmental planning grounds to justify an 89.14% variation to the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of Clause 4.2B of the *Wentworth Local Environmental Plan 2011*, as it would permit the erection of a dwelling house on land significantly below the prescribed minimum lot size, thereby undermining the strategic intent and purpose of the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of the RU4 Primary Production Small Lots zone, as it would facilitate a rural residential outcome on land that is incapable of functioning as a viable primary production holding in its own right. The proposal would contribute to the fragmentation of rural land, reduce the long-term availability of land for agricultural purposes, and increase the potential for land use conflict between agricultural and residential activities.
- The proposal would establish an undesirable planning precedent that could encourage further significant departures from the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, resulting in the incremental creation of

rural residential or pseudo-lifestyle allotments within the RU4 Primary Production Small Lots zone and undermining the integrity of the statutory planning framework.

- Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed development. While the land is physically capable of accommodating a dwelling, the proposal relies upon a substantial departure from the minimum lot size requirement and is inconsistent with the strategic planning objectives applying to the land. The proposal would result in a residential outcome that is incompatible with the intended long-term use of the land for primary production.
- Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest. Approval of the development would undermine the integrity and consistent application of the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, be contrary to the strategic planning objectives for rural land, and diminish public confidence in the statutory planning framework by facilitating a significant and unjustified departure from a fundamental development standard.
- The consent authority is not satisfied that the proposed development achieves an orderly and economic use and development of land, as required by the objects of the *Environmental Planning and Assessment Act 1979*, having regard to the substantial non-compliance with the minimum lot size development standard and the resulting inconsistency with the strategic planning framework for rural land.

Or

Approve DA2026/114 for a concept development for a dwelling at Lot 2 DP 1313154 Pomona subject to draft conditions of consent.

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 subject to draft conditions of consent.

Attachments

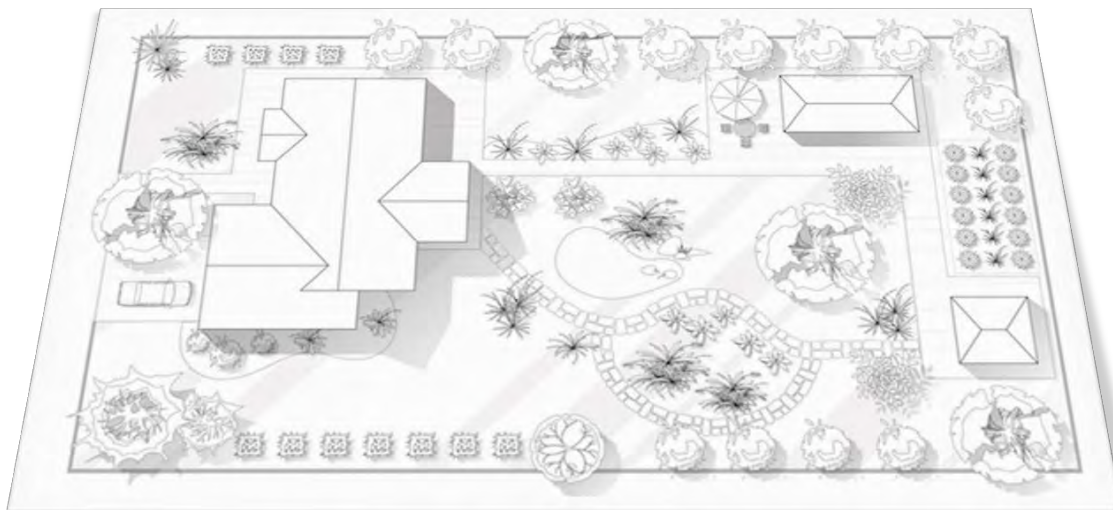
1. Development Application (under separate cover)⇒
2. Statement of Environmental Effects↓
3. Plan↓
4. S4.15 Assessment report↓
5. Variation request (under separate cover)⇒
6. Draft conditions of consent↓



STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED DEVELOPMENT – CLAUSE 4.6 VARIATION TO DEVELOPMENT
STANDARD 4.2B (3)(a) & CONCEPT DEVELOPMENT APPLICATION FOR A
DWELLING**

ADDRESS – LOT 2 DP1313154 RIVER ROAD, POMONA NSW 2648



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1. Introduction

Cadell Consulting Services has prepared this Statement of Environmental Effects report on behalf of the landowner of Lot 2 DP1313154 River Road, Pomona in accordance with the requirements of *Part 4 Development assessment and consent* of the *Environmental Planning and Assessment Act 1979*.

The application seeks approval of a Concept Development for the future development of a dwelling on the subject site, in accordance with Section 33 of the *Environmental Planning and Assessment Regulation 2021* and Section 4.4 of the *Environmental Planning and Assessment Act 1979*.

In order to enable the submission of the application, a Variation to Development Standards (Clause 4.2B of the Wentworth Local Environmental Plan 2011) request has also been prepared and is submitted with this development application.

2. Subject Site and Surrounding Area

2.1 Subject Site

Address	River Road, Pomona
Lot & DP	Lot 2 DP 1313154
Land size	1.086 Hectares
Zone & MLS	RU4 Primary production small lots zone & 10 hectares MLS
Site description	The subject site is slightly irregular in shape with access to the lot from the north-eastern corner boundary. The Darling River and riverine land is located adjacent to the south-eastern boundary of the allotment.
Current use	The site is currently being used for horticulture.
Proposed use	The proposed dwelling will allow the site to be used for small scale agriculture, with the dwelling being an ancillary use.
Natural hazards	Part of the subject site, being the bank of the Darling River, is in flood prone land as per Council mapping. The flooding extent of the site is 30 metres from the south eastern boundary. Therefore, the setback of the proposed dwelling at 40 metres is located outside of the flood prone area. The subject site is not in Bush Fire Prone Land as per Council mapping.

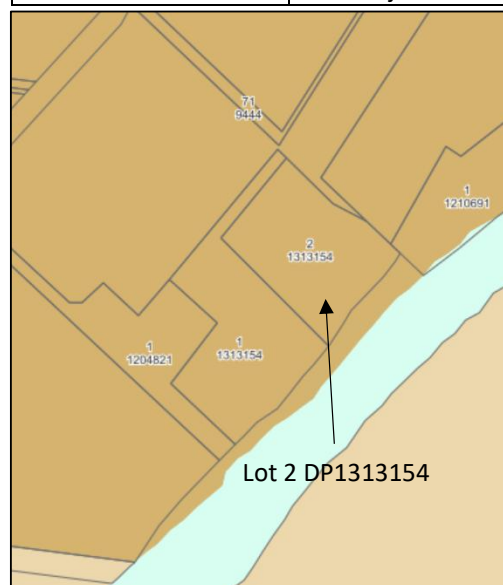


Figure 1 Land zoning (source intramaps)

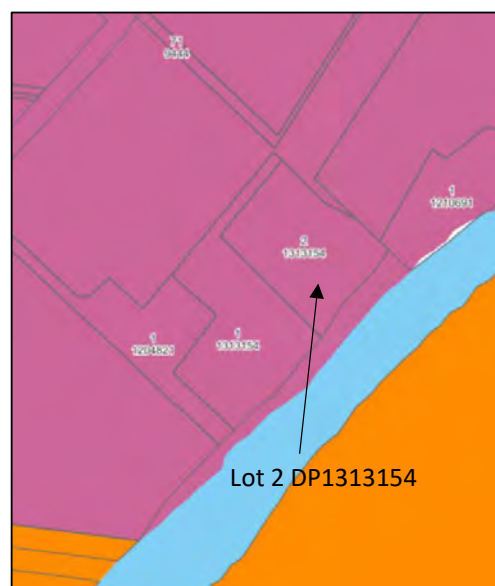


Figure 2 Lot Size (Source Intramaps)

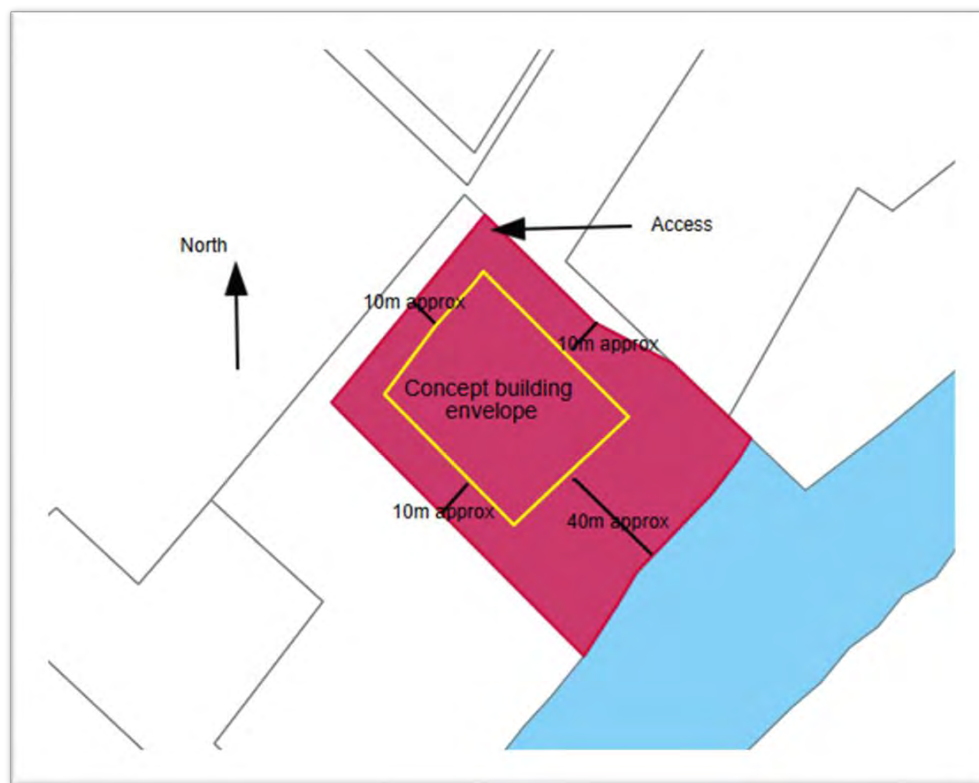


Figure 3 Concept site plan

2.2 Use & Development in Surrounding Area

The surrounding uses and development include a mix of rural residential development and agriculture on allotments of varying sizes. There are several small residential allotments surrounding the subject site, especially along the Darling River to the North-East. Refer to the figure below.

5



Figure 4: Surrounding land uses and development (Source Nearmap)

3. Proposed Development

<i>Proposed building(s)</i>	Concept development application for a Dwelling. The concept building envelope is approximately 3600 sqm metres in area. Although the area exceeds the size of any future dwelling footprint, it allows for some flexibility for the specific location of a new dwelling.
<i>Building materials</i>	To be approved via a subsequent development application
<i>Colour scheme</i>	To be approved via a subsequent development application
<i>Intended use</i>	Residential dwelling to support small scale horticulture on site and support surrounding horticulture
<i>Demolition works</i>	NIL
<i>Staging of development</i>	Development would be commenced and completed in one stage, following the issue of consent of a subsequent development application
<i>Other works</i>	Works consistent with the construction of a dwelling

4. Relevant Planning Controls

4.1 State Environmental Planning Policy

Statement Environmental Planning Policy (Primary Production) 2021

Schedule 4 Part 2 Section 3 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

The objective of this SEPP is to minimise potential land use conflict on land that is used for rural purposes.

The following matters are to be taken into consideration when determining an application for a dwelling:

- The existing and approved uses of land within the vicinity of the proposed development
- Whether the proposed development will have a significant impact on the predominant land uses surrounding the subject site
- If the proposed development is incompatible with surrounding and predominant land uses
- Proposed methods to minimise incompatibility with surrounding and predominant land uses

Response

As shown in Figure 4 above, there are a mix of land uses within the vicinity of the subject site. Directly to the northeast of the subject site, the predominant land use is horticulture, while the properties further northeast, are rural residential.

The necessity for the proposed dwelling is to allow for small scale agriculture, which is a use permitted without consent in the RU4 Primary Production Small Lots zone.

It is considered that the proposed dwelling will be compatible with the existing surrounding development and will not have any negative impact on the existing predominant land uses. Given that several surrounding residential properties are smaller in lot size, this development will not look out of character with the surrounding development and uses within the area.

4.2 Wentworth Local Environmental Plan 2011

Permissibility of development in the zone

Dwelling houses are permissible with consent

Consistency with zone objectives

The proposed dwelling is consistent with the zone objectives as:

- It will enable the use of the subject site for improved, sustainable rural purposes
- It will promote the diversity of the use of the subject site by allowing small scale agriculture to take place
- The proposed dwelling will not create land use conflict with existing surrounding land uses and development

Applicable Principal development standards

Clause 4.2B Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4 requires land to be at least the minimum lot size that is specified in the Lot Size Map. The specified minimum lot size for the subject site is 10 hectares. The subject site is 1.086 hectares. As such, this development application also includes a Request to vary the development standard as specified in Clause 4.6 Exceptions to development standards and in accordance with the *Department of Planning and Environment Guide to Varying Development Standards November 2023*.

Applicable Miscellaneous provisions

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones
This clause reflects the same objectives and matters that must be considered when determining an application as those in the *Statement Environmental Planning Policy (Primary Production) 2021 Schedule 4 Part 2 Section 3 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones*

Response provided above in Section 4.1

Clause 5.21 Flood planning

The objectives of this clause are to minimise flood risk to life and property, allow for compatible development on flood prone land, avoidance of cumulative impacts on flood behaviour and ensuring safe occupation and evacuation in the event of a flood.

The proposed development does not contravene these objectives, in that the proposed dwelling will be located outside of the flood prone area. This will ensure that the development and use of the site will not alter the behaviour and movement of flood water. The site has safe and adequate access to ensure that the evacuation of the site during a flood event.

Applicable Additional local provisions

Clause 7.6 Development on river front areas

The proposed development will not be located on land in a river front area due to the proposed setback of approximately 47 metres.

Clause 7.7 Riparian land and Murray river and other watercourses – general principles

The proposed development will not impact the water quality, stability or the bed and bank of the Darling river, the riparian habitats or ecological processes within the watercourse or riparian area.

4.3 Wentworth Development Control Plan 2011

Chapter 5 Development Control Plan Rural Development Controls 5.3 Rural dwellings

The general requirements for dwellings in the RU4 Primary Production Small Lots zone, are:

- Orientation of living areas to the north
- Front setback of 15 metres
- Colours to be consistent with the rural character of the area
- Siting of dwelling is to respect the amenity of the site and neighbours

- Not to be developed near intensive agriculture development
- Avoid damage to, or removal of, environmental features, native vegetation, watercourses, drainage channels
- Removal of any existing illegal structures
- Provision of a minimum of 46,000 litres or more of potable water (rainwater)
- An approved wastewater management system
- Fences are to be sympathetic to the rural environment
- Dwelling setbacks from river of 100 metres, not consistent with WLEP 2011
- The land capability requirement is to be waived as the agricultural land use of grazing, has been ongoing for many years. The aim of the proposed development is to facilitate intensification of the use by managing additional stock on the site.

The above requirements will be considered in the preparation of development plans, subsequent to the consent for the variation request and deferred commencement of a dwelling.

5. Assessment

Context Analysis

Will the development be:

- *Visually prominent in the surrounding area?*
- *Inconsistent with the existing streetscape?*
- *Out of character with the surrounding area?*
- *Inconsistent with surrounding land uses?*

Response

The proposed concept development for a dwelling will not be visually prominent due to the size of the allotment.

It will be consistent with the existing, surrounding development, in character with the surrounding area and consistent with surrounding land uses.

Privacy, view and overshadowing

Will the development result in:

- *Privacy issues?*
- *Overshadowing of adjoining properties?*
- *Acoustic issues from excessive noise?*
- *Impacts on views?*

Response

There will be no privacy, overshadowing, acoustic or impact on the views or amenity of the surrounding development and residents.

Access & Traffic

Will the development:

- *Have legal and practical, or require new access?*
- *Increase local vehicle movements?*
- *Require onsite vehicular manoeuvring and onsite parking?*
- *Require offsite parking?*

Response

There is a legal access through to the subject site via a carriageway easement on Lot 3 DP1313154. There is no new access proposed.

The future vehicle movements will only be related to the residents of the proposed new dwelling. There is no requirement for offsite or additional onsite parking or vehicular manoeuvring.

Infrastructure & Utilities

Will the development require:

- Power?
- Water?
- Sewer?
- Stormwater?
- Telecommunication?

Response

There is access to power and a water supply to support the proposed development. Stormwater will be collected and retained on site. An appropriate wastewater system will be required to be installed on site. Telecommunication providers can be accessed, as required.

Environmental impacts

Will the development likely result in:

- Air pollution?
- Water pollution?
- Noise impacts?
- Necessary excavation or filling?
- Erosion or sediment run-off?
- Soil contamination?
- Environmentally sustainable development, is a BASIX certificate require?
- Negative impacts on heritage items or items of cultural significance?
- Disturbance of aboriginal artefacts or relics?

Response

The proposed new dwelling will not cause or result in environmental impacts such as, air or water pollution, noise impact, excavation, erosions and sediment run-off or soil contamination. There are no known heritage listed items or areas of cultural significance on or surrounding the subject site. Refer to the attached AHIMS Report. Noise applicable to the construction of a dwelling can be expected during construction period. During soil and site preparation, should any aboriginal artefacts or relics be found, works will be ceased immediately and the Local Aboriginal Land Council will be notified.

Biodiversity impacts

Will the development result in:

- The removal of any native vegetation on the site?
- Any impact on threatened species or native habitat?

Response

The subject site has historically been cleared of vegetation for agriculture. There are some remnant riparian vegetation and the proposed development will not result in the removal of any native vegetation or impact on threatened species or native habitat.

Waste & Stormwater disposal

- How will effluent be managed? Sewer or onsite?
- How will stormwater be disposed? Drainage system or other?
- Will liquid trade waste be discharged to Council's sewer?

- Will the development result in hazardous waste or disposal issues?
- Have all stormwater risks been considered?
- Will the development include rainwater tanks?

Response

Wastewater will be managed onsite through the installation of an approved system. Stormwater will be collected and retained onsite. Overflow of stormwater will be directed appropriately. The development will include adequate rainwater tanks for a potable water supply. Additional details will be provided with the subsequent development application.

Social and Economic impacts**Will the development result in:**

- Any economic impacts?
- Any social impacts?
- Any issues relating to safety, security or crime?

Response

There will be economic benefit to the landowner with the ability to reside on the site to enable improved monitoring, management and operation of a small-scale rural enterprise on the subject site, whilst supplementing off-farm income.

Additionally, the proposed dwelling will negate the necessity and cost or investment associated with living in alternative accommodation, increasing the ability for future investment and potential for expansion of the rural enterprise.

There are social benefits to the local Pomona community by increasing the number of residents within that small, rural community.

There are security benefits from the proposed development to the subject site and surrounding landowners, through the presence of additional local residents. This will also assist with deterring theft and illegal trespassing in the area.

6. Conclusion

It is concluded that the Request to Vary a Development Standard and the application for the Concept development of a Dwelling on the subject site, as outlined in this Statement of Environmental Effects report and the attached documentation, should be granted development consent by Wentworth Shire Council.

This conclusion is made on the basis that the proposed variation request and development concept of a dwelling will not be out of character with the existing surrounding development, will not have a negative impact on surrounding agricultural land uses and will enable and support the intensification of the agricultural use of the subject site and potential expansion of the small rural enterprise.

Note: A subsequent development application will be required to be lodged for Council's approval, prior to the application of a Construction Certificate.



 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:	DA2026/114 & PAN-649503
Property Title & Address:	P2307/1 – River Road Lot 2 DP 1313154 Pomona
Property owner(s):	Mark and Bronwyn King
Applicant(s):	Cadell Consulting Services
Proposal:	Dwelling (Concept Application)
Previous DAs:	DA2024/097 Three Lot Boundary Realignment and Creation of Easement
Cost of proposed development:	\$0.00
Recommendation of Officer:	Recommended for refusal

SITE AND SURROUNDING DEVELOPMENT

The site is Lot 2 DP 1313154 located at River Road, Pomona. The Lot has an area of 10,860m² and connects to River Road and then Darling Road. All adjoining land uses are RU4 Small lot Primary production. The allotment fronts the Darling River.

The site is zoned RU4 Primary Production Small Lot under the Wentworth Local Environmental Plan 2011 (WLEP 2011). The site is an irregular shaped lot with no native vegetation remaining due to land being used for primary production. Adjoining lots are also zoned RU4, 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 located within the urban release area. However, the site is mapped Terrestrial Biodiversity, Flood Prone and Riparian lands and watercourse.

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	NA
Flooding affected	Yes
Bushfire affected	NA
Biodiversity Values mapped	Yes
Acid sulphate soil mapped	NA
Urban release areas mapped	NA

DESCRIPTION OF PROPOSAL

Council has received an application for dwelling (concept development application)

Further details are contained in Figure 2 below illustrating the proposed building envelope:



Figure 2 - Proposed Building Envelope (dwelling)

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

2 July 2026	The development application was lodged with Council.
	The development application was placed on 14 days public exhibition until 24 th July 2026.

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 if the proposed dwelling footprint remains to be a minimum 40m setback from the Darling River.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

A BASIX Certificate will be required for any future application for a dwelling.

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 RU4 Primary Production Small Lots, where a dwelling is permissible with consent. The proposal is also consistent with the relevant zone objectives.

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.

Part 4 – Principal Development Standards

Part 4 Principal Development Standards are not applicable to this application.

Applicable WLEP 2011	Development Standard		Proposal	Compliance
4.1 Minimum lot size for subdivision	The lot size map indicates that the Minimum lot size is 10ha.		NA – no subdivision proposed	NA
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Dual occupancy (attached)	400	NA	NA
	Dual occupancy (detached)	400		
	Multi dwelling housing	400		
	Residential flat building	900		
4.2 Rural Subdivision in zones RU1, RU3, RU4	Subdivision is possible for primary production. Must comply with the minimum lot size in the map but not if an existing dwelling would be on that lot and no dwelling can be erected on that lot.		NA – No subdivision proposed.	NA
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.		Lot size is 1.08 HA, where there is an 89.14% variation. The DA concept is for a dwelling which is not permitted under 4.2B subclause 3.	Does not comply
4.2C Rural workers' dwellings and secondary dwellings in RU1 and RU4	Must not impair the use of land for agricultural or rural industries		NA – not rural workers dwelling or secondary dwelling	NA

Clause 4.6 Assessment

The applicant has provided a 4.6 variation request that seeks vary Clause 4.2B of the Wentworth Local Environmental Plan 2011.

Clause 4.2B

Erection of dwelling houses on land in Zones RU1, RU4, R5, C3 and C4. This clause requires land to be at least the minimum lot size that is specified in the Lot Size Map. The specified minimum lot size for the subject site is 10 hectares. The subject site is 1.08ha. As such this development application also includes a request to vary the development standard as specified in Clause 4.6.

Comment:

In considering the proposed subdivision outcome, the applicant has provided information to support the intended future dwelling on the new allotment. The proposed lot is below the minimum lot size of 10ha, representing an 89.14% variation, and is therefore a significant departure from the development standard. While the site contains an existing horticultural operation that may benefit from an on-site presence for a residence, this does not override the applicable planning controls.

The NSW court appear to be consistent in their approach in protecting agricultural land as the primary use, but allowing minor variations as their view is that small lots should be approved that overrides the intent of the RU4 objectives, and become pseudo lifestyle properties. The Court commonly finds that the proposal is inconsistent with the objectives of the rural zone. The Court has frequently referred to these as effectively creating rural residential development under the guise of primary production, even where dwellings remain technically permissible.

Although the scale and form of the proposed dwelling may be generally consistent with surrounding development and aligns in part with the objectives of Clause 4.2B(1)(a) of the WLEP, this does not outweigh the extent of non-compliance with the minimum lot size requirement. The proposal would result in an outcome that is inconsistent with the established planning framework and could contribute to incremental fragmentation of land within the RU4 zone. On balance, the proposed dwelling is not considered to achieve a satisfactory planning outcome for the site or the broader locality.

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 development site is not located within the flood planning area. However, the property is identified as flood prone land. 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. Additionally, the proposed development is considered to satisfy the objectives of Chapter 3 Section 4 of the WSDCP 2011.

Part 6 – Urban Release Areas

The site is not identified in the Urban Release Area.

Part 7 – Additional Local Provisions

Clause 7.1 Earthworks

The submitted application does not provide information on the earthworks proposed.

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 not located within a well serviced area but features existing water and electricity connections only. Provision for potable water and septic systems would be required.

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

There is not enough information to complete a comprehensive assessment against the relevant controls

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		The concept DA for a dwelling in this location where the small lot area is not considered viable, and where the dwelling proposed will be used ancillary to the horticultural enterprise. The previous DA for boundary realignment has occurred, and presumably considered the Principal Development Standards in particular 4.2D subclause 4 b) - "The number of dwellings on each lot after the subdivision will be the same as before the subdivision".
Public domain & Streetscape		X		The proposed location of the dwelling cannot be determined due to lack of detail in meeting 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 discharge can be achieved at site
Heritage			X	None located on site.
Soils & Soils Erosion		X		Cannot be confirmed with the level of detail provided.
Air and microclimate	X			No effect from proposed development anticipated.
Water Resources		X		Impact cannot be determined at this stage.
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		Limited utilities are available to the site. It is unclear where previous conditions of consent for viability of electricity connection is possible.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Access & Parking	X			Adequate parking availability on site
Roads & Traffic	X			Formal access via a sealed road and road creation/opening permit might be required in addition to the carriageway easement.
Solar Access and Energy Efficiency	X			Not included with application. But achievable
Overshadowing	X			N/A as single storey dwelling.
Privacy & Overlooking	X			N/A as single storey dwelling.
Flooding	X			Siting of the dwelling is located away from the flood prone land. Finished Floor Levels maybe required.
Bushfire Prone Area			X	Not in bushfire prone land
Noise			X	Cannot be determined
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,

While the subject site is physically capable of accommodating the proposed dwelling and is currently utilised for horticultural production, the suitability of the site must be considered in the context of the applicable statutory planning framework and the intended land use outcomes for the RU4 Primary Production Small Lots zone.

The site has an area of approximately 1.2 hectares, which is substantially below the prescribed minimum lot size of 10 hectares required under Clause 4.2B of the Wentworth Local Environmental Plan 2011 for the erection of a dwelling house. The proposed development therefore relies upon an 89.14% variation to a fundamental development standard that is intended to regulate the establishment of dwellings on rural land.

Although the applicant has submitted that an on-site dwelling would support the operation and management of the existing horticultural enterprise, the existence of an agricultural use does not,

in itself, establish that the site is suitable for residential development contrary to the minimum lot size requirements. The planning framework seeks to ensure that dwellings are established on lots of sufficient size to maintain the long-term objectives of rural land use planning, including protecting agricultural land from fragmentation, minimising land use conflict, and discouraging the proliferation of rural residential development.

The proposed development would effectively establish a residential use on a lot that is significantly below the minimum size considered appropriate for the locality. In doing so, it would create an outcome more characteristic of a rural lifestyle allotment than land intended primarily for agricultural production. This outcome is inconsistent with the strategic planning intent of the Wentworth Local Environmental Plan 2011 and would undermine the integrity of the minimum lot size provisions.

While the physical characteristics of the land may enable construction of the dwelling and associated infrastructure, the planning suitability of the site is not determined solely by its physical capacity to accommodate development. The substantial non-compliance with Clause 4.2B demonstrates that the site is not suitable for the proposed development in planning terms.

Accordingly, it is considered that the subject site is not suitable for the proposed development having regard to the applicable planning controls, the objectives of the RU4 Primary Production Small Lots zone, and the broader objective of preventing the fragmentation of rural land and the incremental establishment of pseudo-rural residential development.

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.

Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the consent authority must consider whether the proposed development is in the public interest.

The public interest is served by ensuring that development is consistent with the strategic planning framework established by the Wentworth Local Environmental Plan 2011 and that development standards are applied in a manner that maintains the integrity, certainty and consistency of the planning system.

The proposed development relies upon an 89.14% variation to the minimum lot size requirement prescribed by Clause 4.2B of the Wentworth Local Environmental Plan 2011. The minimum lot size provisions are fundamental planning controls that have been established to protect the long-term productive capacity of rural land, prevent the fragmentation of agricultural holdings, minimise land use conflicts between agricultural and residential uses, and discourage the incremental establishment of rural residential development within primary production zones.

Although the applicant has demonstrated that an on-site dwelling may provide operational convenience for the existing horticultural enterprise, this benefit is primarily a private interest and does not outweigh the broader public interest in maintaining the integrity of the statutory planning framework. Approval of such a significant variation would substantially undermine the purpose of

the minimum lot size standard and diminish confidence in the consistent application of development controls.

Furthermore, the proposal has the potential to establish an undesirable planning precedent whereby similarly future substantial departures from the minimum lot size provisions could be sought for other rural properties. Such an outcome would contribute to the cumulative fragmentation of rural land and the gradual creation of rural residential or lifestyle allotments within the RU4 Primary Production Small Lots zone, contrary to the strategic objectives of the Wentworth Local Environmental Plan 2011.

As the applicant's written request under Clause 4.6 has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary, nor that there are sufficient environmental planning grounds to justify such a substantial variation, the proposal cannot be regarded as being in the public interest.

Accordingly, it is considered that approval of the proposed development would not be in the public interest, as it would be inconsistent with the objectives of the development standard, the objectives of the RU4 Primary Production Small Lots zone, and the broader public interest in protecting the long-term viability of rural land and maintaining the integrity of the NSW planning system.

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		

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	N	
Subdivision Engineer	N	
Roads & Engineering	Y	Rural type standard driveway will be required to be constructed as per WSC standards. No Filtered or Unfiltered Water is available. (on site tanks will be required to be installed). No sewer is available in the area. An approved septic system (AWTS) is to be installed.
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	

Department	Referred Y/N	Comments
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

1. General comments:
2. The proposal does not satisfy the points for consideration listed under Section 4.15 part b, c, d and e of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned RU4 Primary Production Small Lots. The proposal is considered to have detrimental impact on the site and surrounds. (*Sec 4.15 (a)*)
4. There is inadequate information provided for a full assessment of the proposed dwelling against the Wentworth Shire Development Control Plan (Dec 2011).
5. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Refuse the application on the following grounds:

- The applicant's written request pursuant to Clause 4.6 of the *Wentworth Local Environmental Plan 2011* has not adequately demonstrated that compliance with the development standard contained in Clause 4.2B is unreasonable or unnecessary in the circumstances of the case, nor that there are sufficient environmental planning grounds to justify an 89.14% variation to the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of Clause 4.2B of the *Wentworth Local Environmental Plan 2011*, as it would permit the erection of a dwelling house on land significantly below the prescribed minimum lot size, thereby undermining the strategic intent and purpose of the minimum lot size development standard.
- The proposed development is inconsistent with the objectives of the RU4 Primary Production Small Lots zone, as it would facilitate a rural residential outcome on land that is incapable of functioning as a viable primary production holding in its own right. The proposal would contribute to the fragmentation of rural land, reduce the long-term availability of land for agricultural purposes, and increase the potential for land use conflict between agricultural and residential activities.

- The proposal would establish an undesirable planning precedent that could encourage further significant departures from the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, resulting in the incremental creation of rural residential or pseudo-lifestyle allotments within the RU4 Primary Production Small Lots zone and undermining the integrity of the statutory planning framework.
- Pursuant to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed development. While the land is physically capable of accommodating a dwelling, the proposal relies upon a substantial departure from the minimum lot size requirement and is inconsistent with the strategic planning objectives applying to the land. The proposal would result in a residential outcome that is incompatible with the intended long-term use of the land for primary production.
- Pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest. Approval of the development would undermine the integrity and consistent application of the minimum lot size provisions of the *Wentworth Local Environmental Plan 2011*, be contrary to the strategic planning objectives for rural land, and diminish public confidence in the statutory planning framework by facilitating a significant and unjustified departure from a fundamental development standard.
- The consent authority is not satisfied that the proposed development achieves an orderly and economic use and development of land, as required by the objects of the *Environmental Planning and Assessment Act 1979*, having regard to the substantial non-compliance with the minimum lot size development standard and the resulting inconsistency with the strategic planning framework for rural land.

Delegate report author	Delegated approval and endorsement
Signature: 	Signature:
Rod Croft Principal Consultant - Planning	George Kenende Strategic Development Officer

Date: 24 July 2026	Date:
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The Following conditions have been drafted below in the event that Council wish to overturn the Council officer's recommendation for refusal.

 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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**DA2026/115 DWELLING (CONCEPT APPLICATION) RIVER ROAD LOT 2 DP 1313154
POMONA**

GENERAL CONDITIONS

1.	Approved Development Approval is for a concept development application for a building envelope to construct a future dwelling house at Lot 2 DP 1313153 River Road, Pomona. 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 Plan (Proposed Building Envelope) Northern Land Solutions, reference number 263201. 29/6/2026. (Lot 2) 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.	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.
4.	Consent documentation A separate development application for a dwelling house within the nominated building envelope as per endorsed plans approved by this consent must be accompanied by the following documentation: - Preliminary Site Investigation report - Flood Impact and Risk Assessment report - Detailed architectural plans (Flood Plan, Site Plan, Elevations, Sections, Building heights, cut and fill plan).

- BASIX and NatHERS Certificates
- Stormwater Management Plan
- Waste Water Management Plan (Sewerage Treatment – AWTS is required (including a land capability assessment)
- Landscaping Plan
- Assess and Parking Plan
- Any other matters relevant at the time of lodgement.

Note

- No potable water is available to the site, therefore any further Development Application for a dwelling will require to have a minimum 75,000 litre potable water tanks to be installed and included on submitted site plans.
- A rural-type Standard driveway upgrade to Wentworth Shire Councils Standards will also be required through any further Development Application for the dwelling. A section 68 approval will need to be sought for Council's approval.

Condition Reason: To comply with legislative requirements and confirm required documentation to accompany a future development application.

9.24 DEVELOPMENT APPLICATION DETERMINATION REPORT - JULY 2026

File Number: RPT/26/425

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 July 2026, a total of 15 Development Applications and four (4) Modification Applications were determined.

The estimated value of the determined developments was \$6,181,166.29. This brings the financial year to date total to 15 Development Applications with an estimated development value of \$6,181,166.29 and four (4) Modification Applications.

Recommendation

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

Conclusion

The total value of determinations was \$6,181,166.29 for the month of July 2026. The average determination time for Development Applications was 35 days, and 24 days for Modification Applications.

Attachments

1. Development Application Determinations July 2026 [1](#)

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF JULY 2026

FILE NUMBER	APPLICANT	LOCATION	DESCRIPTION	VALUE (EX GST)	DETERMINATION DATE	COMMUNITY VIEWS	ACTIVE DAYS
DA2025/193 PAN 585082	Cadell Consulting Services	205 Delta Road Lot 60 DP 1320296 Curlwaa	Dwelling (Concept Application)	\$0.00	15 July 2026	No submissions were received	209
DA2026/096 PAN 636978	Pinion Advisory	5083 Rufus River Road Lot 1 DP 620852 & 4983 Rufus River Road Lot 2 DP 756184 Lake Victoria Rufus	Upgrades to Irrigation Infrastructure (Water Supply)	\$187,000.00	3 July 2026	No submissions were received	36
DA2026/098 PAN 641902	Jackson Planning	11 Jamieson Court Lot 20 DP 1298247 Gol Gol	Dwelling with Garage & Storage Shed	\$946,000.00	3 July 2026	No submissions were received	32
DA2026/100 PAN 641658	MH2 Engineering & Architectural Services	38 Grandview Drive Lot 37 DP 1300121 Buronga	Dwelling with Garage & Garden Shed	\$425,300.00	10 July 2026	No submissions were received	39
DA2026/103 PAN 636778	Bigfoot Building & Construction Pty Ltd	5 Grandview Drive Lot 11 DP 1300121 Buronga	Dwelling with Attached Garage, Residential Storage Shed & Fence	\$655,000.00	3 July 2026	No submissions were received	23
DA2026/104 PAN 647373	The Trustee for James D Harwood Trust	Ardrossan Court Lot 22 DP 1285900 Gol Gol	Dwelling with Garage & Storage Shed	\$750,998.00	6 July 2026	No submissions were received	20
DA2026/105 PAN 646551	Jackson Planning	15 Woolshed Drive Lot 18 DP 1297691 Wentworth	Dwelling with Attached Garage	\$769,289.40	6 July 2026	No submissions were received	20

DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF JULY 2026

DA2026/106 PAN 647023	Jackson Planning	30 Grandview Drive Lot 33 DP 1300121 Buronga	Residential Storage Shed	\$24,750.00	6 July 2026	No submissions were received	20
DA2026/108 PAN 646504	Jackson Planning	9 Yorke Drive Lot 9 DP 1285900 Gol Gol	Front Fence	\$23,100.00	15 July 2026	No submissions were received	6
DA2026/110 PAN 651173	Jackson Planning	14 Cielo Court Lot 13 DP 1300407 Gol Gol	Dwelling with Garage	\$586,878.89	15 July 2026	No submissions were received	19
DA2026/111 PAN 647400	Timothy Chapman	14 Crane Drive Lot 6 DP 70212 Buronga	Storage Shed	\$18,750.00	15 July 2026	No submissions were received	19
DA2026/112 PAN 644175	Jarrold Harnath	38 Yorke Drive Lot 12 DP 1285900 Gol Gol	Dwelling with Garage	\$510,000.00	15 July 2026	No submissions were received	18
DA2026/115 PAN 650095	Mario Pascucci	Cudjee Road Lot 2 DP 1054799 Coomealla	Dwelling with Garage & Rainwater Tank	\$566,500.00	27 July 2026	No submissions were received	21
DA2026/116 PAN 653564	Jackson Planning	25 Grandview Drive Lot 43 DP 1300121 Buronga	Storage Shed	\$17,600.00	29 July 2026	No submissions were received	23
DA2026/118 PAN 648756	Terrence Duck	22 Charon Drive Lot 39 DP 1242927 Gol Gol	Dwelling with Attached Garage	\$700,000.00	27 July 2026	No submissions were received	16



DETERMINATION OF DEVELOPMENT APPLICATIONS FOR THE MONTH OF JULY 2026

S4-55/2026/019 (2) PAN 632733	Scott Taylor	150B Renmark Road Lot 6 DP 870517 Wentworth	Modify DA2019/163 2 Staged Storage Hangar Amend Wall Location Condition #4 & Condition #21	\$0.00	20 July 2026	1 submission was received and assessed	43
S4-55/2026/022 (1A) PAN 644522	Jackson Planning	18 Two Up Drive Lot 27 DP 1305730 Buronga	Modify DA2025/157 Warehouse with Office Facility Distribution Centre Amend Approved Plans	\$0.00	3 July 2026	No submissions were received	12
S4-55/2026/023 (1A) PAN 648792	Jackson Planning	56 Macquarie Road Lot 7 DP 23387 Pomona	Modify DA2026/058 Replacement Farm Shed Amend Location	\$0.00	10 July 2026	No submissions were received	21
S4-55/2026/025 (1A) PAN 650669	Jackson Planning	48 Corbett Avenue Lot 11 DP 1305730 Buronga	Modify DA2025/189 Industrial Complex with Fencing Amend Approved Plans	\$0.00	16 July 2026	No submissions were received	21

9.25 PROJECT & WORKS REPORT AUGUST 2026

File Number: RPT/26/416

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 July 2026, and the planned activities for August 2026.

Recommendation

That Council receives and notes the major works undertaken in July 2026 and the scheduled works for August 2026.

Detailed Report

Refer below for updates of the works completed in July 2026, and the planned activities for August 2026.

Projects and Works Completed in July 2026 and Scheduled for August 2026.

Roads	<u>Maintenance Grading</u> • Works have been completed on the Tooperoopna, Renmark and Rufus River Roads. • Works are scheduled to be completed on the Nulla, Pine Camp and Springwood Roads. <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 installed a new bore casing which will provide a water source right next to the job rather than carting from Pooncarie. <u>TfNSW Maintenance</u> • Scheduled works include the cleaning of culverts, and crack sealing on both the Silver City and Sturt Highways. <u>Polia Road Upgrade to Gravel</u> • The hired bulldozer has arrived onsite and commenced extracting gravel from the pit. • Works include the upgrade of total 6.6km in three sections • Works are expected to take approximately 4 weeks to complete and be finished mid September. <u>New Gravel Pits</u> • New pits on the Arumpo and Polia Roads have been registered and added to Council's Head license.
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Roads

(continued)

- 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 be 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.

Arumpo Road Heavy Grade

- Approximately 35km of the road is scheduled for upgrade which includes forming up utilising grader, pad foot roller and water carts. These works will be completed in line with the formation/drainage works commencing in September and completed by the end of December.

Old Wentworth Road, Fletchers Lake Road and Memorial Road Rehabilitation

- All works including line marking have been completed and road open to all traffic.
- The new entrance to the showgrounds will be a great improvement for traffic flow for large scale events such as the Wentworth Show and Wentworth Races.

River Road and Arumpo Road Rehabilitation

- All works including line marking have been completed on the Arumpo Road and road open to all traffic.
- Minor works are still to be completed on River Road which includes new drainage infrastructure.

Minda Road Resheeting

- The proposed upgrade includes importing 100mm thick locally sourced gravel material over a total distance of 2.86km which will allow all weather access to local residents in the area.
- Works have commenced and will be completed by early September.

Natural Disaster Funding

- 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 several roads to reinstate access the vehicle users. Further works will be completed once funding has been approved and allocated.

Milpara Road / Tara Downs culvert and road improvement works

- Environmental consultants are currently in the process of providing Review of Environmental Factors.
- Tonkin Consulting are in the process of completing final design documentation.

Water and Sewer	<u>Safe and Secure Water Program (4 activities) – Development</u> <u>1. Wentworth Water Treatment Plant (WTP)</u> <u>2. Gol Gol Water Treatment Plant</u> <u>3. Wentworth Raw Water Pump Station</u> <u>4. Dareton Raw Water Pump Station</u> - Complete. <u>Wentworth Water Treatment Plant SCADA</u> - Early long lead items to be ordered in August. - Focus on having the updated operation and monitoring system implemented before higher summer demands. <u>Wentworth Water Treatment Plant Office and Laboratory Relocation</u> - Workshop meeting still to be held with Engineering and Operational staff to finalise the relocated office renovations and final location on site. <u>Gol Gol Water Treatment Plant Lagoon 2 Cleaning</u> - Contractor commenced cleaning of lagoon in late July. Currently on track to have it complete in August. <u>Dareton House Boat Effluent Disposal Station</u> - The main design and construct “river works” contract is being prepared, and is planned for public tender in August. <u>Raw Water Intake Works – Mildura Weir Lowering</u> - Water Levels are back to normal. - Complete.
Projects	<u>Punt Road Stormwater Upgrade</u> - Works continuing – new penstock gate has been installed to headwall, new concrete stormwater pit now installed. Existing concrete kerb removed with sub-grade preparation underway to allow installation of new concrete kerb. <u>Pooncarie and Wentworth Camp Kitchens</u> - Dust sealing of the Pooncarie Camp Kitchen now 100% completed. - Wentworth Camp Kitchen – Extension to the scope of brickwork now 100% complete. <u>Wentworth Rowing Club Upgrade</u> Renovations Works - Practical completion issued to Wilkie Builders with minor defects completed onsite. Project 100% completed. Extension Works - Roofing works completed, roller doors installed, concrete apron to front of building completed. Painting of structural steel completed. Additional electrical items completed. - Practical completion issued to CPM Builders, handover documentation will be submitted in the coming days. - Contract works now 100% completed.

Projects (continued)	<u>Three Sisters Stormwater Drainage</u> • Design and construct contract is currently being prepared and expected to go to public tender in August. <u>Hendy Road Stormwater Drainage</u> • Concept design and cost estimate prepared. Reviewing to confirm scope and budget. • Detailed design quotations to be sought in August. <u>Murray Street Kerbing Wentworth</u> • Old kerbing removed from both north side of Murray Street and the two median islands. • Foundation works complete in preparation of concrete kerbing to commence. • Kerbing to occur in the first week of August. • Expected to be completed by late August with various restoration works. <u>Avoca Street Footpath Dareton</u> • Design and documentation being updated with information gained from the tendering of Cadell St Shared path. • Expecting to go to quote in late August <u>Cadell Street Footpath Wentworth</u> • Concreting contractor has been awarded the project. • Works to commence onsite in late August. <u>Perry / Adams Street Kerbing Wentworth</u> • Design and documentation being updated with information gained from the construction of the Murray Street kerb. • Expecting to go to quote from late August. <u>Darling Street Kerbing Wentworth</u> • Design updated to minimize loss of street trees. • Design and documentation being updated with information gained from the construction of the Murray Street kerb. • Expecting to quote after Perry / Adams Street kerb works have been quoted.
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Attachments

1. Old Wentworth Road & Fletchers Lake Road [↓](#)
2. Gol Gol Water Treatment Plant Lagoon Cleaning [↓](#)
3. Wentworth Camp Kitchen [↓](#)
4. Rowing Club Upgrades [↓](#)
5. Punt Road Stormwater [↓](#)
6. Murray Street Kerb Replacement [↓](#)













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 Wentworth Flood Risk Management Process. (RPT/26/399)

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 PT2425/01 - Sewer Rehabilitation Works (year 2). (RPT/26/455)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct)

business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.1 WENTWORTH FLOOD RISK MANAGEMENT PROCESS

File Number: RPT/26/399

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

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 our natural environment

REASON FOR CONFIDENTIALITY

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

12.2 PT2425/01 - SEWER REHABILITATION WORKS (YEAR 2)

File Number: RPT/26/455

Responsible Officer: Geoff Gunn - Director of Roads & Engineering

Responsible Division: Roads and Engineering

Reporting Officer: Scott Barnes - Manager Engineering Services

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.

13 CONCLUSION OF THE MEETING

NEXT MEETING

16 September 2026