

LEETON
SHIRE COUNCIL

**ORDINARY COUNCIL MEETING
AGENDA**

**Tuesday 29 October 2024
6:30 pm**

TO BE HELD IN THE Leeton Shire Council Chambers
23-25 Chelmsford Place, Leeton NSW 2705

Authorised for release: Jackie Kruger (General Manager)

STATEMENT OF ETHICAL OBLIGATIONS

OBLIGATIONS	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of Councillor in the best interests of the people of Leeton Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the <i>Local Government Act 1993</i> or any other Act to the best of my ability and judgement.
Code of Conduct / Conflicts of Interest	
It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct.	
Pecuniary Interests	<p>A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council at which the matter is being considered, must disclose the nature of the interest to the meeting.</p> <p>The Councillor must not be present at, or in sight of, the meeting:</p> <ol style="list-style-type: none"> a. at any time during which the matter is being considered or discussed, or b. at any time during which the Council is voting on any question in relation to the matter.
Non-pecuniary conflict of interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant nonpecuniary interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-significant nonpecuniary interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.
Code of Meeting Practice	
Council Meetings	Meetings of Leeton Shire Council are conducted in accordance with the Code of Meeting Practice which supports open, accessible and accountable government.

GENERAL INFORMATION

Recording of Council Meetings

Videorecording

In the spirit of open, accessible and transparent government, this meeting of the Leeton Shire Council is being streamed live on Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of this meeting that is held in closed session will not be recorded.

Council meetings are uploaded to Council's website and social media accounts. This allows our community greater access to Council proceedings, decisions and debate.

Speaking / Addressing Council (Public Forum)

Pre-Registration to Speak at Council Meetings

Members of the public must register **by Midday** via Councils' website or email council@leeton.nsw.gov.au of the day of the Meeting to speak at Council Meetings.

If you wish to register to speak, please fill the Apply to Address Council Form, available from the Leeton Shire Council website, including:

- your name;
 - contact details;
 - item on the agenda you wish to speak to; and
- whether you are for or against the recommendation in the agenda.

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1. CIVIC PRAYER

Our Father, who art in heaven, hallowed be thy name;

thy kingdom come;

thy will be done; on earth as it is in heaven.

Give us this day our daily bread.

And forgive us our trespasses,

as we forgive those who trespass against us.

And lead us not into temptation; but deliver us from evil.

For thine is the kingdom,

the power and the glory, for ever and ever.

Amen.

2. ACKNOWLEDGEMENT OF COUNTRY

Leeton Shire Council acknowledges the Wiradjuri People and their continued impact on our Community.

We acknowledge their connection to the land, water and sky.

We acknowledge all Aboriginal people who have made the Leeton Shire their home.

As such we pay our respects to all Aboriginal Elders, past, present and emerging of our Shire.

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

4. CONFIRMATION OF MINUTES AND ANY MATTERS ARISING

5. PROCEDURAL MOTIONS

6. DISCLOSURE OF INTERESTS

7. MAYORAL MINUTES

8. OFFICER'S REPORT TO COUNCIL

8.1. GENERAL MANAGER'S MATTERS

ITEM 8.1.1. ANNUAL FINANCIAL STATEMENTS REPORT 2024

AUTHOR/S: Manager Finance

APPROVER/S: Director Corporate/CFO

SUMMARY/PURPOSE

The purpose of this report is to present Council's Annual Financial Statements and Auditor's Reports for the 2023/24 Financial Year to the public.

RECOMMENDATION

THAT Council:

1. Notes the presentation of the 2023/24 Financial Statements and Auditor's Reports for Leeton Shire Council by Mr. Josh Porker from RSD Audit in Bendigo (Victoria) representing the Audit Office of NSW (Audit General).
 2. Notes the Financial Statements and Auditor's Opinion are available for public viewing, with submissions to be lodged within seven (7) days of the October 2024 Ordinary Council Meeting.
-

REPORT

(a) Background

The Annual Financial Statements (audited) are required to be taken to Council so that they can formally present them to the public in accordance with Section 419 (1) of the *Local Government Act 1993*.

The audited Financial Statements are required to be submitted to the Office of Local Government by 31 October each year.

Council's Annual Financial Statements for the financial year ending 30 June 2024 have been audited and in accordance with Section 419 (1) of the *Local Government Act 1993* are now presented along with the Auditor's Reports to the public.

(b) Discussion

Mr. Josh Porker from RSD Audit in Bendigo (Vic), the agent representing Audit Office of NSW (Council's Auditor) will present the Annual Financial Statements and Auditor's Reports for the 2023/24 Financial Year at this meeting.

Mr. Porker will address Council at the commencement of the Council Meeting. It is recommended that Council moves into a Committee of the Whole to allow the Auditor's Reports to be presented.

Mr. Porker will highlight key features of the Financial Statements together with comments on the conduct of the Audit. He will also take questions from Councillors at the conclusion of the presentation.

The 2023/24 Annual Financial Statements and the Auditor's Reports for 2023/24 are attached separately. Copies will also be available at the October Ordinary Council meeting being held on Tuesday 29 October 2024 at 6:30pm.

Reports include:

- General purpose financial statements, for year ended 30 June 2024
- Report on the conduct of the audit, for year ended 30 June 2024
- Special purpose financial statements – declared business activities, for year ended 30 June 2024
- Special Schedule – permissible income for general rates, for year ending 30 June 2024.

Income Statement

Consolidated Result

Council's net operating result from continuing operations was a surplus of \$6.39M (2023: \$6.49M). The result has remained relatively steady compared to last year due to almost similar levels of % increases in income and expenses.

The major contributors to the changes in revenue and expenses are listed below:

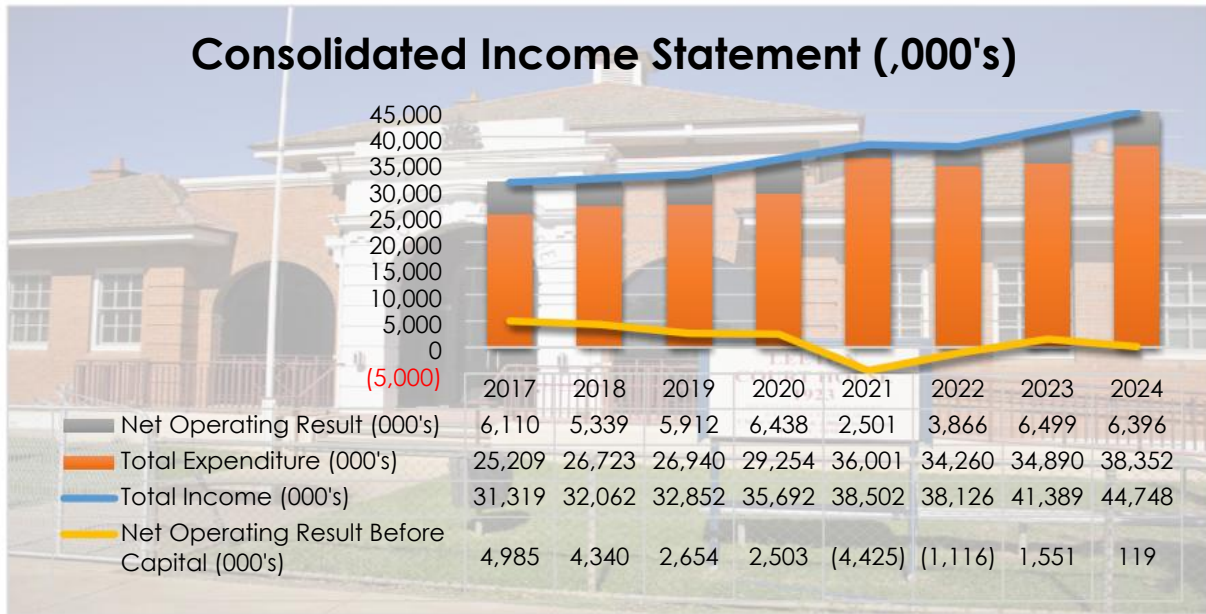
- increased rates and annual charges: \$15.01M (2023 \$14.21M),
- increased other revenues: \$0.84M (2023 \$0.71M),
- increased capital grant revenue: \$6.27M (2023 \$4.94M),
- increased interest income: \$2.42M (2023 \$1.52M),
- increased materials and contracts expenditure \$13.44M (2023 \$12.21M),
- increased depreciation \$10.25M (2023 \$9.01M),
- increased other expenses \$0.60M (2023 \$0.53M).

The net operating result before capital grants and contributions was a surplus of \$0.12M (2023: surplus \$1.55M). The decrease of \$1.43M compared to last year is mainly due to the increased depreciation expenses caused by revaluations.

Rates and annual charges revenue was \$15.01M (\$14.21M for the year ended 30 June 2023). The increase of \$0.8M (5.7%) which comprises general rates increase of 3.7% in line with the rate peg, sewer charge increase of a notional 7.5% and increase of about 4.9% in the total charge (including a consumption charge increase of 3.1%) for an average residential consumer.

Total grants and contributions revenue was \$17.14M (2023: \$15.74M). Whilst the mix of grants changed the increase of \$1.4M compared to last year was due to the receipt of additional grants for RERRF, LRCI (Vance), Wamoon Sewer, Roxy Theatre Works, Canal Road, CBD Enhancement.

Depreciation, amortisation and impairment of non-financial assets was increased by \$1.24M due to upward movement in asset values caused by revaluations as well as additions during the year.



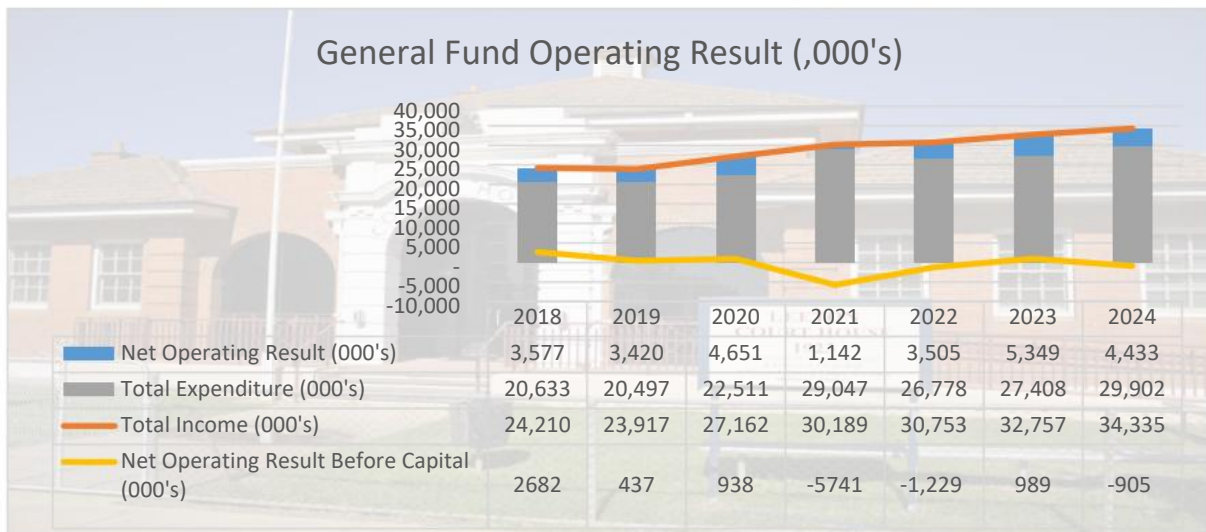
Council's Consolidated Income, Expenditure and Operating Results are detailed in the graph above. Comparing prior year Net Operating Result before Capital Grants & Contributions, it is evident that Council's position has been on a gradual decline.

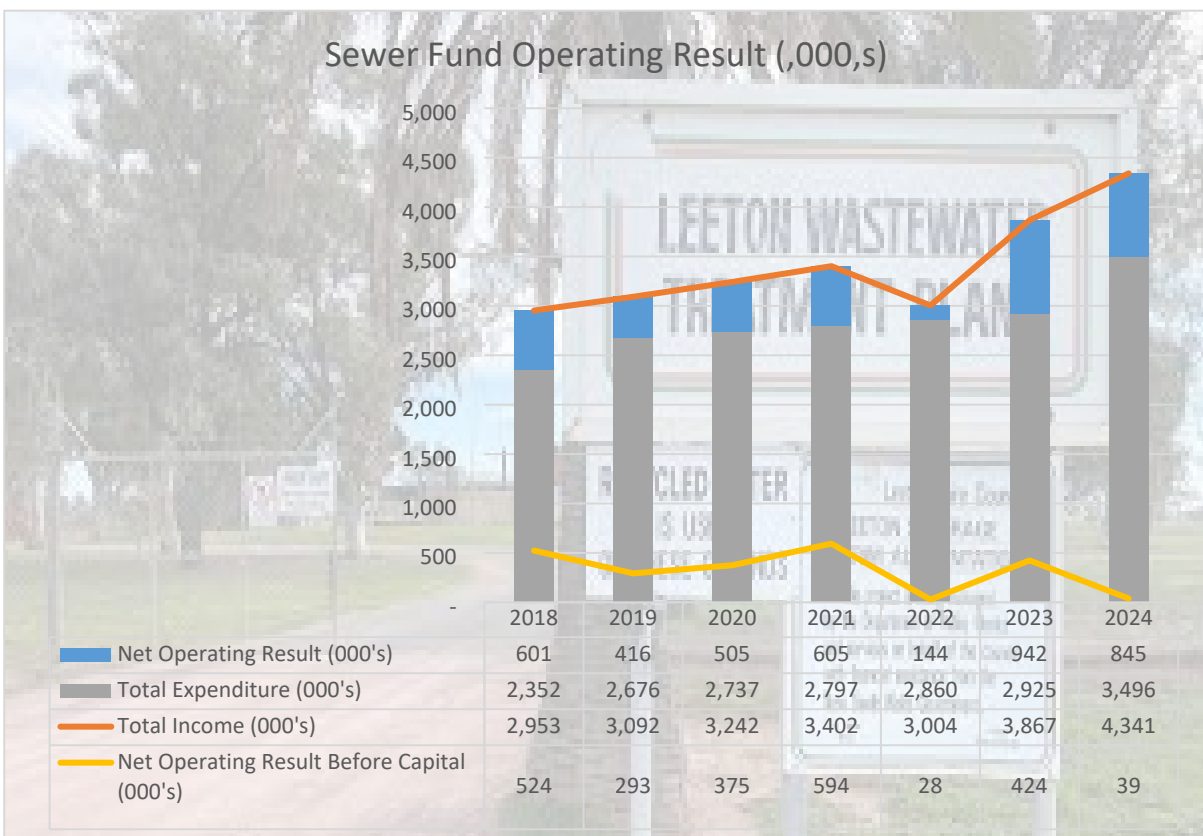
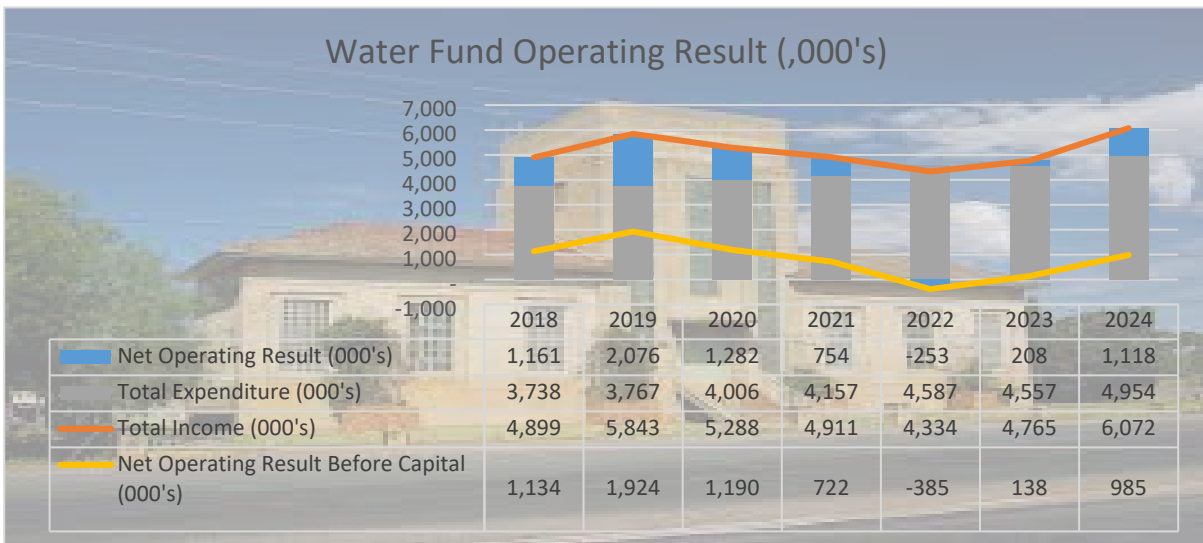
Result by Fund

The Net Operating Result Before Capital Grants & Contributions for the General Fund was a deficit of \$0.90M, a decrease from a surplus of \$0.99M in 2023. This result can be attributed to the aforementioned factors.

Water recorded an increase of surplus from last year due to an increase in interest and investment revenue, water sales and increases in consumption charges. Sewer fund saw a decrease in the net operating result due to decreases in grants revenue and increases in materials and services as well as depreciation expenses.

The Operating Result comparatives for each Fund can be seen in the graphs below:





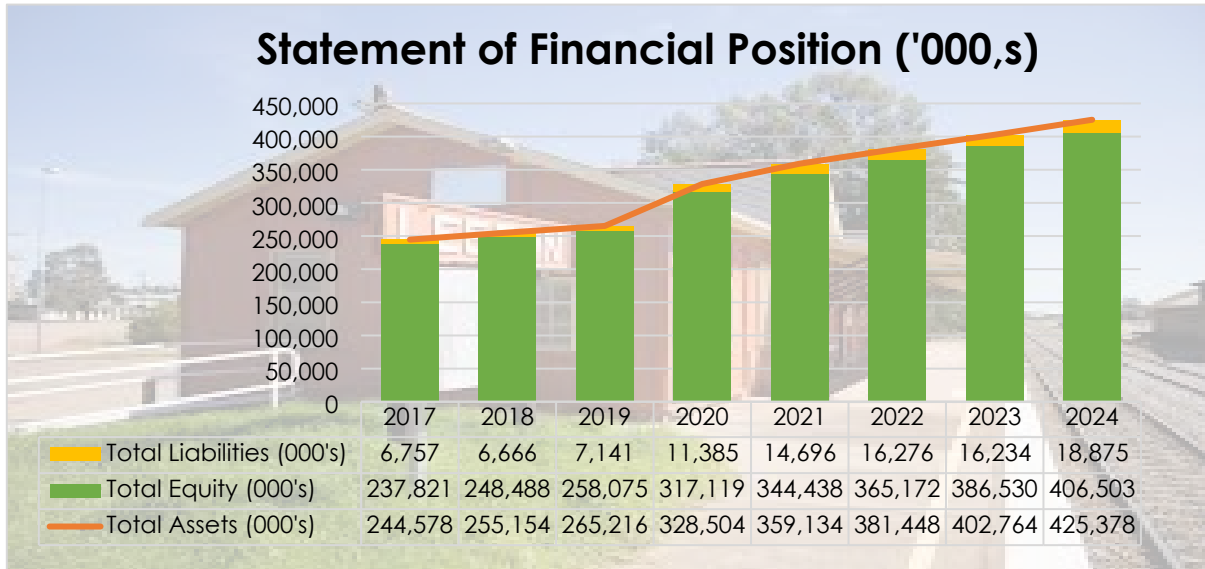
Statement of Financial Position

The 2023/24 Net Financial Position/Equity of \$406.50M is higher than the \$386.53M (2022/23) - an increase of \$19.97M or 5.17%

The main reasons are:

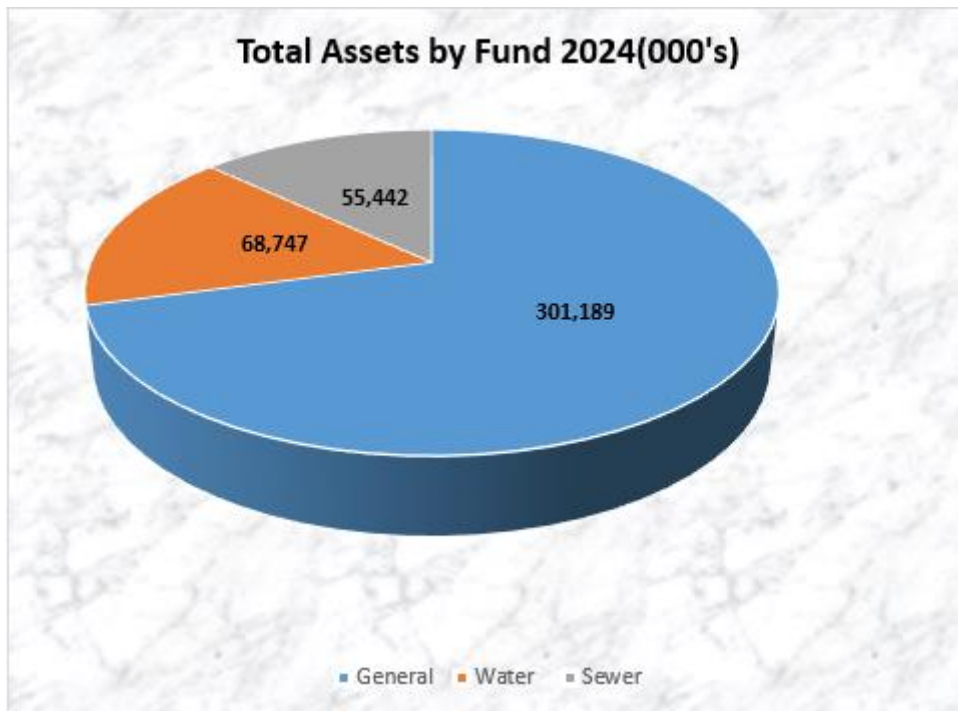
- Infrastructure, property plant and equipment \$357M (2023: \$333.90M)
- Land, Buildings and Other Structures infrastructure asset re-valuation in 2023/24, saw the Fair Value of these asset classes rise by \$13.7M.
- Purchase (\$4.3M) and renewal (\$15.9M) of assets across all funds
- Cash and Investments decreased from \$54.55M to \$51.37M (5.83%).

The graph below highlights Council's strong financial position/equity with very low liabilities and increasing assets:



Total Assets

The Total Assets by Fund graph below, shows the breakdown of assets by Fund. The total assets for the General Fund have increased from \$285.42M in 2022/23 to \$301.19M in 2023/24 a total increase of \$15.77M. Water and Sewer funds saw increases in their asset bases with Water increasing by \$3.75M from \$65M to \$68.75M and Sewer by \$3.09M from \$52.35M to \$55.44M:



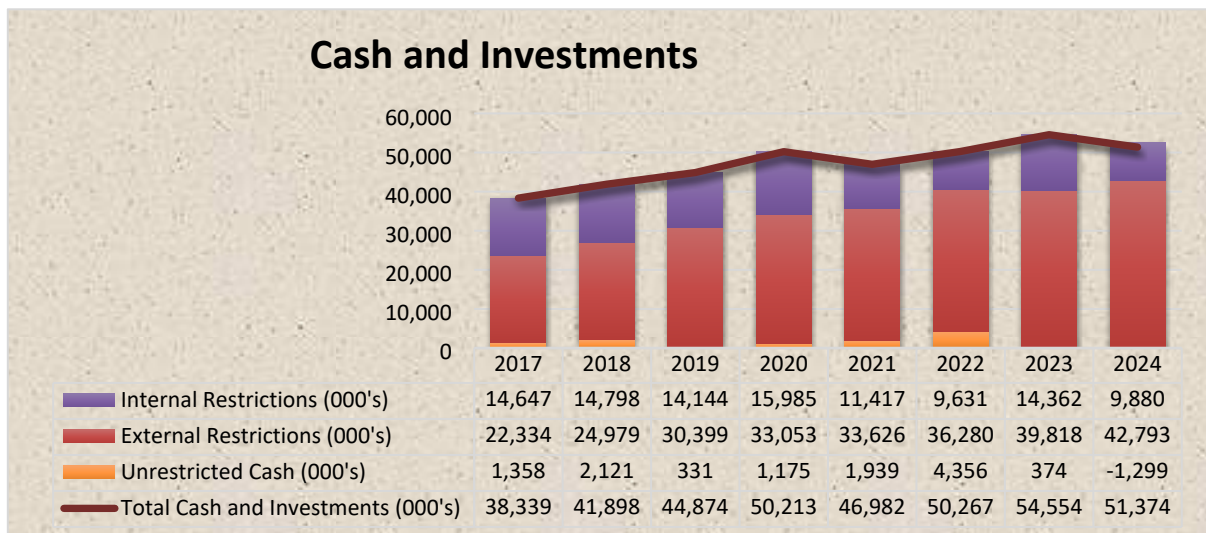
Cash and Investments

Council's Cash and Investment levels remained strong but decreased compared to 2023 i.e. at \$51.37M in 2024 compared to \$54.55M in 2023.

Externally restricted cash and investments are restricted in their use by externally imposed requirements. There has been significant movement in externally restricted cash with an additional \$2.97M restricted with an additional \$2.0M restrictions from in water fund, \$0.37M in sewer fund, \$0.35M in unexpended grants and developer contributions of \$0.21M.

Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect identified programs of work and any forward plans identified by Council. Internal allocations balance decreased by \$4.6M as Council at its meeting on 27 March 2024 resolved to use \$4.6M of internal allocations/reserves to assist with the unrestricted/operating cash position.

Council's unrestricted cash position as at 30 June 2024 is (\$1.3M). This is mainly due to timing issue caused by the planned borrowings (Roxy, Vance and LELC) not being drawn during the financial year (i.e. not until August 2024), and general fund covering some of the costs of major projects. Council also cash backed/restricted reserves for carryovers/unfinished works at 30 June 2024.



Statement of Cashflows

The Statement of Cashflows has the following items of note:

Overall cash and equivalents \$51.37M (2023: \$54.55M) – decreased by \$3.18M due primarily to operating and investing activities.

For Noting – Cashflow looks at actual cash which may be different from the income or expenses recorded.

Operating Activities

Receipts

- Investment and Interest Revenue \$2.18M (2023: \$1.27M) – increased due to higher interest rates.
- Grants and contributions \$13.61M (2023: \$15.97M) – decreased - as there were additional grants in 2023, including flood damage grant and higher Financial Assistance Grants (FAG).

Payments

- Payments for materials and services \$10.20M (2023: (\$13.67M) – decrease of \$3.47M.

Investing Activities

Receipts

- Sale of investment securities: \$6.0M (2023: \$20.76M) – this records the cashing in of investments to either fund expenses or to convert to cash equivalents.

Payments

- Purchase of infrastructure, property plant and equipment \$19.94M (2023: \$11.18M) – increased because of the various ongoing capital projects.
- Purchase of investment securities: \$5.10M (2023: \$21.8M) – this records investing extra cash in term securities and other permitted investments.

Financing Activities

No new loans were drawn down in 2023-24, only existing loans continued to be paid.

PERFORMANCE RATIOS – COMPARISON BETWEEN GENERAL FUND AND CONSOLIDATED FUNDS

Performance Ratios are shown in Note G4-1, G4-2 and H1-1 (a) (b) and (c) on pages 73 to 77 of the General Purpose Financial Statements and on pages 96 to 100 in the Special Schedules.

The following ratios are used to assist in evaluating the performance of Council and the graphs detail that performance from 2017 to 2024.

Operating Performance Ratio

The 'operating performance ratio' measures how well Council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent (0%).



Council had a small net operating surplus this year of \$119K. The ratio has slightly slipped into negative due to adjustment/exclusion of net gain from the disposal of assets. The net operating result is higher compared to the original budget, but lower than the previous year due to increase in depreciation and materials & services costs.

Own Source Operating Revenue Ratio

The Own Source Operating Revenue Ratio attempts to measure fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

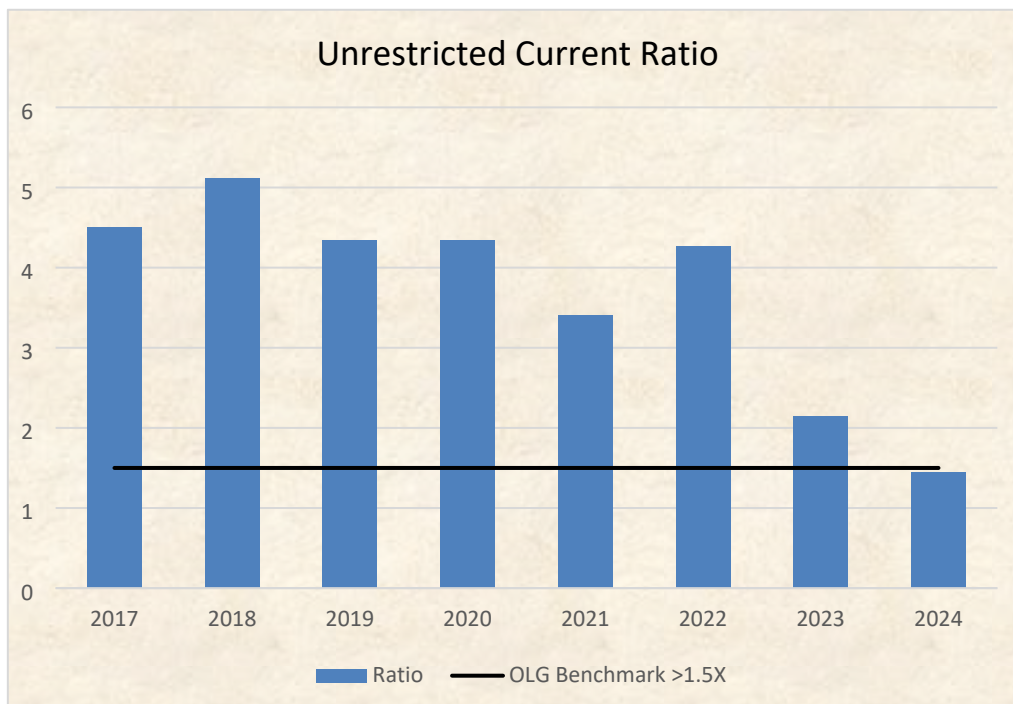
FOR NOTING – This Ratio is inversely proportionate to the amount of grant monies received. Therefore, the more capital grants received, the worse this ratio.



The ratio has been steadily decreasing but is presently just above the benchmark of 60%.

Unrestricted Current Ratio

The 'unrestricted current ratio' is specific to local government. The ratio aims to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. The benchmark set by OLG is greater than 1.5 times.



Council has slightly under performed at 1.44 this year compared to the benchmark of 1.5, mainly due to the timing of planned borrowings not being drawn during the financial year (drawn in August 2024), and general fund covering some of the costs of major projects.

Debt Service Cover Ratio

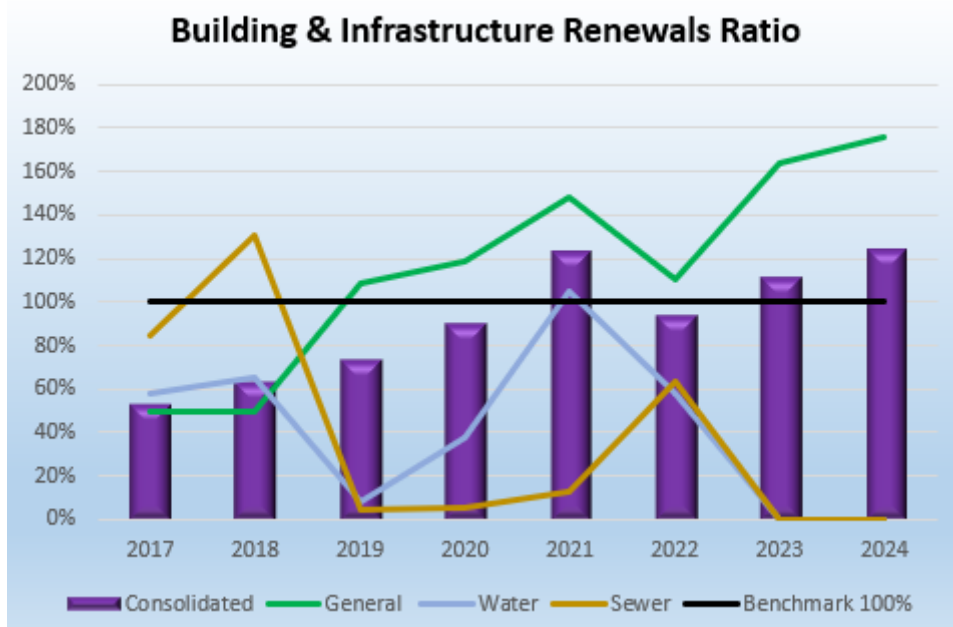
The Debt Service Cover Ratio measures the availability of operating cash to service debt (including interest, principal and lease payments). Council's Debt Service Cover Ratio of 27.11 times is greater than the industry benchmark minimum of greater than 2 times. This indicates that Council has sufficient operating revenue to service its debt. This Ratio does not currently apply to Water or Sewer Fund.

FOR NOTING - The next three ratios (marked with *) rely on the asset data that Council uses in its asset management reports.

The Special Schedule Report on Infrastructure Assets and ratios included in this report is not audited and is supplied as information only. The details can be found in the Special Schedules section of the Statements.

Buildings and Infrastructure Renewals Ratio*

The Buildings and Infrastructure Renewals Ratio assesses the rate at which assets are being renewed relative to the rate at which they are depreciating. This ratio has improved over previous years due to the completion of renewal projects. The industry benchmark is greater than or equal to 100%. While it is a usable indicator it suffers from considering a single year in isolation whilst trying to measure assets that generally have a life of 20 to 100 years. This is very apparent when looking at the comparatives in the graph below.



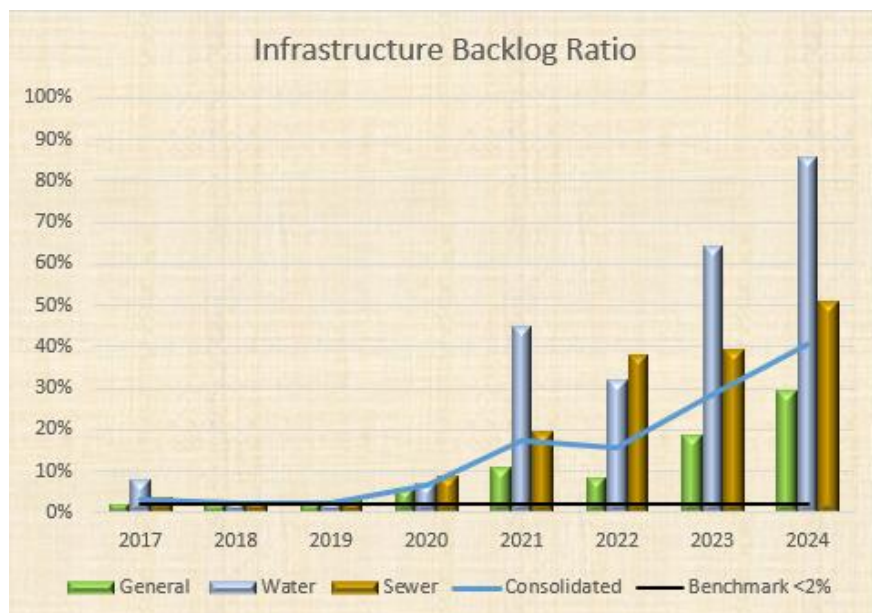
When considering only the General Fund exclusively, the Building and Infrastructure Renewals Ratio is 176% which is well above the industry benchmark of 100%.

Infrastructure Backlog Ratio*

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure. The Infrastructure Backlog Ratio is calculated by determining the cost to bring Infrastructure assets that are below satisfactory standard up to satisfactory standard. It is not the cost to renew these assets.

The OLG Accounting Guidelines indicate that unless there has been community consultation then all assets must be in a condition where only minor maintenance is required for that asset to be considered satisfactory.

This requirement goes against the generally accepted principle that less important Infrastructure (such as back roads) can be in lower condition and still remain satisfactory and fit for purpose. In simpler terms, Council must currently calculate this ratio on the basis that every road, bridge, footpath and kerb is to be kept in a condition that requires nothing more than minor maintenance to be considered satisfactory.



Prior to 2020/21 Council has considered Infrastructure that required normal maintenance as being in satisfactory condition.

This change to what is considered as 'satisfactory' has had a significant effect on this ratio in 2020/21 with over 22% of assets that would otherwise be considered as satisfactory no longer being so. This primarily reflects the fair to good condition assets particularly Water, Sewer and secondary roads and associated infrastructure.

It is expected that Community Consultation will support Council's evaluation that less important infrastructure can be in a lower condition and still be satisfactory which will allow Council to re-evaluate this ratio.

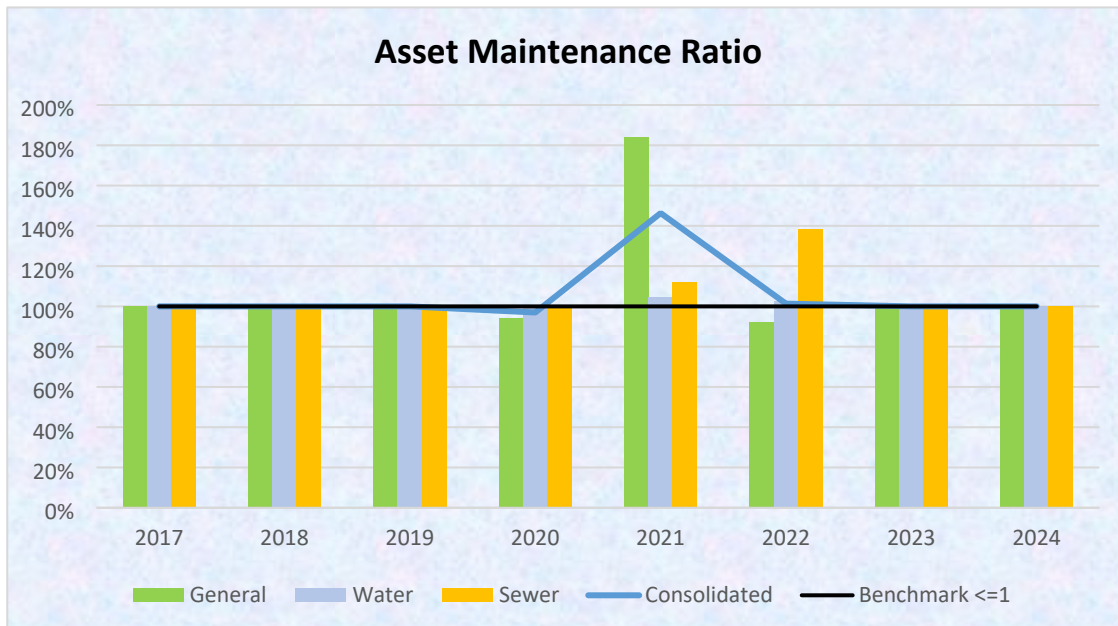
It is understood that 2020/21 was the first year that Council used an external valuer for Water and Sewer. While this is in keeping with best practice, it has also entailed an adjustment to Council's carrying values.

As can be seen from the other ratios the worsening of this ratio is counterintuitive as renewal works has increased substantially. While this can be explained by the need to hold infrastructure to a higher level of condition, the effect of having an external valuer

can be seen with the shift in General Fund correlating with the revaluations in 2019/20 and in 2022/23 with the shifts in Water and Sewer Funds aligning with the external valuation of those two networks in 2020/21.

Asset Maintenance Ratio*

The Asset Maintenance Ratio compares actual versus required annual asset maintenance and assesses if required maintenance was undertaken. Ideally Council and community should be able to look over the last few years and see that the result is around 100% which would indicate that all required maintenance has been undertaken or otherwise.



Summary of infrastructure asset performance indicators (by fund)

General fund – Has a reasonable level of renewals and maintenance. However, the introduction of a more comprehensive asset management system indicates that more work will be required to bring Council's assets up to standard or a lower "satisfactory" standard may need to be considered.

Water Fund – While there is a reasonable level of maintenance and renewals the Water Fund has a very high backlog. This is likely to mean that major renewals work will be undertaken in the next few years.

Sewer Fund – Sewer fund saw relatively little renewals but adequate maintenance. With the difficulties in substantiating any of these ratios, and particularly the backlog, these results could indicate that there is a lull in renewals as long-life assets do not currently need renewing or that renewals have been delayed.

Main Points

General Fund - continues to get higher levels of grant funding with the latest RERRF funding \$2.2M paid now but not needed to be spent in the current year. This has had the effect of inflating the 2023/24 income with the associated costs being recognised in future years. Higher depreciation and materials and services costs contributed to the deficit in general fund.

Domestic Waste – While part of the General Fund, Domestic Waste must be separated. Domestic Waste saw an improved operating result of \$475K in the 2023/24 financial year (compared to \$72K in 2022/23). The introduction of the Food Organic Green Organic (FOGO) program as mandated was undertaken during the 2023/2024 with implementation costs subsidised.

Water Fund– Has seen an increase in operating result of \$985K and benefited from the increase in user charges and fees and investment income but must now continue to consider further efficiencies and raising rates. It is apparent that the water infrastructure is aged and will likely require higher levels of investment to ensure water quality and safeguard supply.

Sewer Fund – has only achieved a break-even result and continues to see marked increases in treatment costs, reduced Trade Waste income but should receive some increase in income, having brought Wamoon Sewer online in early 2024 financial year. Council will need to monitor the ongoing performance of the Sewer Fund.

(c) Options

Nil – this report is for noting.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil

(b) Policy

Audit, Risk and Improvement Committee Charter
Local Government Code of Accounting Practice and Financial Reporting
Long Term Financial Plan (LTFP) 2024 - 2034

(c) Legislative/Statutory

Section 419 (1) of the Local Government Act 1993 requires a Council to present its audited financial reports, together with the auditor's reports, at a meeting of the council held on the date fixed for the meeting.

Section 419 (2) of the Local Government Act 1993 states that the council's auditor may, and if so required in writing by the Council, must attend the meeting at which the financial reports are presented.

Section 420 (1) of the Local Government Act 1993 allows any person to make a submission to the Council with respect to the Council's audited financial reports or with respect to the Auditor's Reports.

Section 420 (2) of the Local Government Act 1993 requires the submission to be in writing and must be lodged with the Council within 7 days after the date on which those reports are presented to the public.

Section 420 (3) of the Local Government Act 1993 requires Council to ensure that copies of all submissions received by it to be referred to the auditor.

Section 420 (4) of the Local Government Act 1993 requires Council to take such action as it considers appropriate with respect to any such submission, including giving notice to the Departmental Chief Executive of any matter that appears to require amendment of the Council's financial reports.

(d) Risk

If Council does not formally present its financial statements, then Leeton Shire Council will not meet its compliance obligations.

CONSULTATION

(a) External

Public Notice advising of the Ordinary Council meeting being held on Tuesday 29 October 2024 has been placed on Council's website and social media channels.

The Annual Financial Statements and signed copy of the Auditors Report/Opinion and Report on the conduct of the Audit will be on public display from Wednesday 30 October 2024 to Friday 29 November 2024. Copies of these documents will be available for public viewing on Council's website, at the Leeton Administration Building, Leeton Library, and the Post Offices at Whitton and Yanco.

Public submissions on the Statements can be made in writing to Council until the close of business (5:00pm) on Friday 29 November 2024.

Council's External Auditors

(b) Internal

General Manager
Finance Team
Manager of Environmental Sustainability
Asset Management Coordinator

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.7 Deploy reliable and efficient corporate management - financial, asset, property, records, information technology, buildings and plant/fleet in accordance with relevant legislation including Government Information (Public Access) Act 2009

9. Governance and Corporate Services

9.7 Deploy reliable and efficient financial management and administration

9.7.3 Practice sound financial management

ATTACHMENTS

1. Attachment 1 - NSW Audit Office - Engagement Closing Report 30 June 2024 [**8.1.1.1** - 15 pages]
2. Attachment 2 - NSW Audit Office - Draft Report on the Conduct of the Audit 30 June 2024 [**8.1.1.2** - 6 pages]
3. Attachment 3 - Annual Financial Statements - 30 June 2024 [**8.1.1.3** - 104 pages]

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Leeton Shire Council

ANNUAL FINANCIAL STATEMENTS
for the year ended 30 June 2024

"Preserving the Past, Enhancing the Future"



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Leeton Shire Council

GENERAL PURPOSE FINANCIAL STATEMENTS for the year ended 30 June 2024

"Preserving the Past, Enhancing the Future"



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Leeton Shire Council

General Purpose Financial Statements

for the year ended 30 June 2024

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Overview

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

23-25 Chelmsford Place
Leeton NSW 2705

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

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

A description of the nature of Council's operations and its principal activities are provided in Note B1-2.

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

Leeton Shire Council

General Purpose Financial Statements

for the year ended 30 June 2024

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

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

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

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

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

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

Signed in accordance with a resolution of Council made on 29 October 2024.

George Weston
Mayor
29 October 2024

Michael Kidd
Deputy Mayor
29 October 2024

Jacqueline Kruger
General Manager

Avtar Singh
Responsible Accounting Officer

Leeton Shire Council

Income Statement

for the year ended 30 June 2024

Original unaudited budget 2024 \$ '000		Notes	Actual 2024 \$ '000	Actual 2023 \$ '000
Income from continuing operations				
14,931	Rates and annual charges	B2-1	15,011	14,205
8,660	User charges and fees	B2-2	8,679	8,674
558	Other revenues	B2-3	842	711
7,350	Grants and contributions provided for operating purposes	B2-4	10,858	10,787
1,579	Grants and contributions provided for capital purposes	B2-4	6,277	4,948
749	Interest and investment income	B2-5	2,421	1,522
294	Other income	B2-6	396	374
430	Net gain from the disposal of assets	B4-1	264	168
34,551	Total income from continuing operations		44,748	41,389
Expenses from continuing operations				
13,508	Employee benefits and on-costs	B3-1	13,961	13,043
12,162	Materials and services	B3-2	13,448	12,210
456	Borrowing costs	B3-3	81	87
8,991	Depreciation, amortisation and impairment of non-financial assets	B3-4	10,259	9,012
617	Other expenses	B3-5	603	538
650	Net loss from the disposal of assets	B4-1	-	-
36,384	Total expenses from continuing operations		38,352	34,890
(1,833)	Operating result from continuing operations		6,396	6,499
(1,833)	Net operating result for the year attributable to Council		6,396	6,499
(3,411)	Net operating result for the year before grants and contributions provided for capital purposes		119	1,551

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

Leeton Shire Council

Statement of Comprehensive Income

for the year ended 30 June 2024

	Notes	2024 \$ '000	2023 \$ '000
Net operating result for the year – from Income Statement		6,396	6,499
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain on revaluation of IPP&E	C1-6	13,694	14,658
Other movements in reserves – Intangible Assets Revaluation	C1-7	(117)	201
Total items which will not be reclassified subsequently to the operating result		13,577	14,859
Total comprehensive income for the year attributable to Council		19,973	21,358

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

Leeton Shire Council

Statement of Financial Position

as at 30 June 2024

	Notes	2024 \$ '000	2023 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	17,974	20,254
Investments	C1-2	18,500	22,000
Receivables	C1-4	6,131	3,328
Inventories	C1-5	1,122	1,109
Other		62	49
Total current assets		43,789	46,740
Non-current assets			
Investments	C1-2	14,900	12,300
Receivables	C1-4	15	16
Infrastructure, property, plant and equipment (IPPE)	C1-6	357,025	333,942
Intangible assets	C1-7	9,649	9,766
Total non-current assets		381,589	356,024
Total assets		425,378	402,764
LIABILITIES			
Current liabilities			
Payables	C3-1	6,921	2,899
Contract liabilities	C3-2	1,816	3,534
Borrowings	C3-3	235	295
Employee benefit provisions	C3-4	2,837	2,639
Total current liabilities		11,809	9,367
Non-current liabilities			
Borrowings	C3-3	1,904	2,139
Employee benefit provisions	C3-4	253	143
Provisions	C3-5	4,909	4,585
Total non-current liabilities		7,066	6,867
Total liabilities		18,875	16,234
Net assets		406,503	386,530
EQUITY			
Accumulated surplus		149,631	143,235
IPPE revaluation reserve		256,872	243,295
Council equity interest		406,503	386,530
Total equity		406,503	386,530

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

Leeton Shire Council

Statement of Changes in Equity for the year ended 30 June 2024

	2024			2023		
	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000	Accumulated surplus \$ '000	IPPE revaluation reserve \$ '000	Total equity \$ '000
Opening balance at 1 July	143,235	243,295	386,530	136,736	228,436	365,172
Net operating result for the year	6,396	–	6,396	6,499	–	6,499
Restated net operating result for the period	6,396	–	6,396	6,499	–	6,499
Other comprehensive income						
Gain (loss) on revaluation of infrastructure, property, plant and equipment	–	13,694	13,694	–	14,658	14,658
– Gain (loss) on revaluation of intangible assets	–	(117)	(117)	–	201	201
Other comprehensive income	–	13,577	13,577	–	14,859	14,859
Total comprehensive income	6,396	13,577	19,973	6,499	14,859	21,358
Closing balance at 30 June	149,631	256,872	406,503	143,235	243,295	386,530

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

Leeton Shire Council

Statement of Cash Flows

for the year ended 30 June 2024

Original unaudited budget 2024 \$ '000	Notes	Actual 2024 \$ '000	Actual 2023 \$ '000
Cash flows from operating activities			
<i>Receipts:</i>			
14,931	Rates and annual charges	14,975	13,952
8,660	User charges and fees	7,481	9,613
749	Interest received	2,176	1,271
8,130	Grants and contributions	13,610	15,970
294	Bonds, deposits and retentions received	157	379
558	Other	1,207	4,357
<i>Payments:</i>			
(13,508)	Payments to employees	(13,604)	(13,412)
(12,162)	Payments for materials and services	(10,198)	(13,674)
(456)	Borrowing costs	(69)	4
(337)	Other	209	(1,543)
6,859	Net cash flows from operating activities	15,944	16,917
Cash flows from investing activities			
<i>Receipts:</i>			
4,000	Sale of investments	6,000	20,760
4,150	Sale of real estate assets	-	140
655	Proceeds from sale of IPPE	842	666
-	Deferred debtors receipts	267	32
<i>Payments:</i>			
-	Purchase of investments	(5,100)	(21,720)
(23,929)	Payments for IPPE	(19,938)	(11,184)
-	Purchase of real estate assets	-	69
-	Deferred debtors and advances made	-	(16)
(15,124)	Net cash flows used in investing activities	(17,929)	(11,253)
Cash flows from financing activities			
<i>Receipts:</i>			
10,592	Proceeds from borrowings	-	-
<i>Payments:</i>			
(5,001)	Repayment of borrowings	(295)	(417)
5,591	Net cash flows Used in financing activities	(295)	(417)
(2,674)	Net change in cash and cash equivalents	(2,280)	5,247
13,099	Cash and cash equivalents at beginning of year	20,254	15,007
10,425	Cash and cash equivalents at end of year	17,974	20,254
29,260	plus: Investments on hand at end of year	33,400	34,300
39,685	Total cash, cash equivalents and investments	51,374	54,554

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

Leeton Shire Council

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A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 29 October 2024. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

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

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

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (Act)* and *Local Government (General) Regulation 2021 (Regulation)*, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not-for-profit entity.

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

Historical cost convention

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

Significant accounting estimates and judgements

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

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

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

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

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

- i. estimated fair values of intangible assets – refer Note C1-7
- ii. estimated fair values of infrastructure, property, plant and equipment – refer Note C1-6
- iii. estimated landfill remediation provisions – refer Note C3-5
- iv. employee benefit provisions – refer Note C3-4.

Significant judgements in applying the Council's accounting policies

- i. Impairment of receivables – Council reviewed receivables for impairment and found there to be minimal impairments – refer Note C1-4.
- ii. Determination of whether performance obligations are sufficiently specific and whether the contract is within the scope of AASB 15 *Revenue from Contracts with Customers* and / or AASB 1058 *Income of Not-for-Profit Entities* – refer to Notes B2-2 – B2-4.

Monies and other assets received by Council

The Consolidated Fund

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

The Consolidated Fund has been included in the financial statements of the Council.

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

- General purpose operations

continued on next page ...

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A1-1 Basis of preparation (continued)

- Water service
- Sewerage service.

The Trust Fund

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

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

Volunteer services

Council relies on the commitment made by volunteers to help run some of its venues and events. These volunteer services are not recognised in Council's Income Statement as they would not be purchased if not donated and they are deemed to be immaterial.

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations (ie. pronouncements) have been published by the Australian Accounting Standards Board that are not mandatory for the 30 June 2024 reporting period.

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

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

AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.

This Standard amends AASB 13, including adding authoritative implementation guidance and providing related illustrative examples, for application by not-for-profit public sector entities.

In particular, this standard provides guidance on:

- highest and best use
- financially feasible uses
- use of assumptions
- nature of costs to include in the replacement cost of a reference asset and on the identification of economic obsolescence when using the cost approach.

The standard applies prospectively to annual periods beginning on or after 1 January 2024, i.e Council's financial statements for the year ended 30 June 2025, with earlier application not permitted.

New accounting standards adopted during the year

During the year Council adopted all accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from the first time at 30 June 2024.

The following new standard is effective for the first time at 30 June 2024:

AASB 2021-2 Amendments to Australian Accounting Standards –Disclosure of Accounting Policies and Definition of Accounting Estimates

The most significant change introduced by these standards is to remove the requirement to disclose significant accounting policies and instead require disclosure of material accounting policy information. 'Accounting policy information is material if, when considered together with other information included in an entity's financial statements, it can reasonably be expected to influence decisions that the primary users of general purpose financial statements make on the basis of those financial statements.'

In applying the new requirements, Council has after taking into account the various specific facts and circumstances applied professional judgement to ensure it disclose only material accounting policies as opposed to significant accounting policies throughout these financial statements.

B Financial Performance

B1 Functions or activities

B1-1 Functions or activities – income, expenses and assets

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

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2024 \$ '000	2023 \$ '000	2024 \$ '000	2023 \$ '000	2024 \$ '000	2023 \$ '000	2024 \$ '000	2023 \$ '000	2024 \$ '000	2023 \$ '000
Functions or activities										
Community Services and Community Development	3,003	3,191	3,399	4,037	(396)	(846)	650	871	12,079	9,312
Museum, Arts and Cultural Services	1,930	2,213	1,219	1,009	711	1,204	1,920	1,010	15,768	5,860
Parks, Streetscapes and Sporting Facilities	960	148	4,534	3,860	(3,574)	(3,712)	95	124	26,991	26,462
Economic Development	1,782	797	2,229	1,098	(447)	(301)	1,411	207	5,100	3,030
Planning, Building and Public Health	788	202	1,512	1,187	(724)	(985)	383	29	419	–
Roads and Drainage	7,848	8,896	6,974	7,016	874	1,880	7,244	5,985	188,545	173,487
Water and Sewer Services	10,413	8,672	8,325	7,481	2,088	1,191	939	591	125,765	123,849
Environmental Sustainability and Emergency Services	3,900	3,309	4,415	3,489	(515)	(180)	129	126	11,840	13,257
Governance and Administration	14,124	13,961	5,745	5,713	8,379	8,248	4,364	5,480	38,871	47,470
Other	–	–	–	–	–	–	–	1,312	–	37
Total functions and activities	44,748	41,389	38,352	34,890	6,396	6,499	17,135	15,735	425,378	402,764

B1-2 Components of functions or activities

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

Community Services and Community Development

Includes administration social protection (welfare); migrant, youth services; aged and disabled persons services; child care; Library; and other family and children services. Further inclusions are provision of free WiFi, the operation of CCTV and advocacy for improved health services and adequate policing.

Museum, Arts and Cultural Services

Includes operating the Leeton Museum and Art Gallery, supporting the Whitton and Yanco Museums, maintaining strong working relationships with Western Riverina Arts and the Leeton Family and Local History Society as well as the the Roxy Theatre.

Parks, Streetscapes and Sporting Facilities

Includes provision of attractive town entrances, streetscapes and town centres; quality parks, ovals, sporting fields and public toilets; safe, accessible, interesting and fun playgrounds and exercise spaces; safe, accessible and fun sports and outdoor entertainment facilities and swimming pools; cemeteries and burial support services.

Economic Development

Includes implementation of local and regional economic development strategies: developing land at Vance Industrial Estate and WR Connect Freight Intermodal; continue to enhance the CBD and invest in the Narrandera – Leeton Airport; grow jobs; develop new business units for Council-owned quarry and Gogeldrie Weir Riverside Park; support local economy and promote and market Leeton as a visitor destination and host and promote important destinational events.

Planning, Building and Public Health

Includes undertaking and implementation of strategic land use planning; provide planning and building assessment services; collect developer contributions and review developer contribution plans; provision of built heritage services, including access to a heritage advisor and heritage grant funding; preparation and issue of development engineering guidelines; provision of regulatory / ranger services and public health services through inspections and education campaigns.

Roads and Drainage

Includes provision of a network of safe sealed and gravel roads; bridges, culverts, kerb and guttering, bus stops, street furniture and carparking; undertaking active transport planning and provide a network of footpaths cycleways and road safety programs; undertaking of "private works" for local residents and businesses as well as TfNSW.

Water and Sewer Services

Includes provision of potable water and sewer services (including trade waste) to the urban areas; development of strategic plans to support security of service and growth of the Shire.

Environmental Sustainability and Emergency Services

Delivery of recycling and solid waste management; enhancing Leeton Shire's climate resilience; improving Leeton Shire's emergency preparedness; advocate for water security and biodiversity.

Governance and Administration

Includes provision of enhanced customer service; undertaking of authentic and timely community engagement; provision of respected and effective representation, leadership and advocacy; nurturing of strong partnerships with Murray Darling Association, RAMJO, MI Ltd, NSW Government, Commonwealth; fostering a valued and committed workforce; deployment of corporate and project governance including audit, risk and improvement and corporate management; undertaking of service reviews and the attraction of grant funding for capital works and operations.

B2 Sources of income

B2-1 Rates and annual charges

	2024 \$ '000	2023 \$ '000
Ordinary rates		
Residential	4,324	4,214
Farmland	3,201	3,133
Business	498	494
Less: pensioner rebates (mandatory)	(83)	(85)
Less: pensioner rebates (Council policy)	(150)	(153)
Rates levied to ratepayers	7,790	7,603
Pensioner rate subsidies received	82	85
Total ordinary rates	7,872	7,688
Annual charges (pursuant to s496, 496A, 496B, 501 & 611)		
Domestic waste management services	1,503	1,357
Stormwater management services	92	91
Water supply services	1,782	1,638
Sewerage services	2,948	2,714
Waste management services (non-domestic)	210	191
Other	25	18
Recycling	723	653
Trade waste	19	18
Less: pensioner rebates (mandatory)	(89)	(89)
Less: pensioner rebates (Council policy)	(163)	(163)
Annual charges levied	7,050	6,428
Pensioner annual charges subsidies received:		
– Water	34	35
– Sewerage	28	28
– Domestic waste management	27	26
Total annual charges	7,139	6,517
Total rates and annual charges	15,011	14,205

Council has used 2022 year valuations provided by the NSW Valuer General in calculating its rates.

Material accounting policy information

Rates and annual charges are recognised as revenue at the beginning of the rating period to which they relate.

Prepaid rates are recognised as a financial liability until the beginning of the rating period.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government. Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are in substance a rate payment.

B2-2 User charges and fees

	Timing	2024 \$ '000	2023 \$ '000
Specific user charges (per s502 - specific 'actual use' charges)			
Domestic waste management services	1	88	57
Water supply services	1	3,150	2,411
Sewerage services	1	112	284
Total specific user charges		3,350	2,752
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s608)			
Building regulation	2	61	116
Inspection services	2	18	10
Private works – section 67	1	19	57
Regulatory/ statutory fees	2	41	23
Registration fees	2	13	16
Section 10.7 certificates (EP&A Act)	2	27	25
Section 603 certificates	2	23	23
Tapping fees	2	20	47
Town planning	2	142	156
Total fees and charges – statutory/regulatory		364	473
(ii) Fees and charges – other (incl. general user charges (per s608))			
Cemeteries	2	250	307
Child care	1	2,285	1,940
Employee Contributions (FBT reduction) – Council vehicles	2	72	72
Library and art gallery	2	23	49
Transport for NSW works (state roads not controlled by Council)	1	498	1,658
Swimming centres	2	158	131
Tourism	2	95	45
Waste disposal tipping fees	2	1,114	825
Golf course	2	374	314
Stadium	2	62	64
User group contributions	2	17	26
Other	2	17	18
Total fees and charges – other		4,965	5,449
Total other user charges and fees		5,329	5,922
Total user charges and fees		8,679	8,674
Timing of revenue recognition for user charges and fees			
User charges and fees recognised over time (1)		6,152	6,407
User charges and fees recognised at a point in time (2)		2,527	2,267
Total user charges and fees		8,679	8,674

Material accounting policy information

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

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

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

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

B2-3 Other revenues

	Timing	2024 \$ '000	2023 \$ '000
Fines – other	2	30	32
Diesel rebate	2	47	30
Insurance claims recoveries	2	71	199
Recycling income (non-domestic)	2	18	17
Sales – general	2	203	124
Sale of Investment Water	2	183	62
Sale of Town Water	2	12	16
Donations and sponsorship received	2	2	19
Child care operations	2	–	14
Insurance rebates	2	37	48
Other	2	239	150
Total other revenue		842	711
Timing of revenue recognition for other revenue			
Other revenue recognised at a point in time (2)		842	711
Total other revenue		842	711

Material accounting policy information for other revenue

Where the revenue relates to a contract with a customer, the revenue is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

Where the revenue relates to a contract which is not enforceable or does not contain sufficiently specific performance obligations then revenue is recognised when an unconditional right to a receivable arises or the cash is received, whichever is earlier.

B2-4 Grants and contributions

	Timing	Operating 2024 \$ '000	Operating 2023 \$ '000	Capital 2024 \$ '000	Capital 2023 \$ '000
General purpose grants and non-developer contributions (untied)					
General purpose (untied)					
Current year allocation					
Financial assistance – general component	2	307	1,132	–	–
Financial assistance – local roads component	2	55	340	–	–
Payment in advance - future year allocation					
Financial assistance – general component	2	4,024	4,301	–	–
Financial assistance – local roads component	2	1,164	1,358	–	–
Other					
Other grants	2	–	–	24	209
Amount recognised as income during current year		5,550	7,131	24	209
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Previously specific grants:					
Sewerage services	1	–	–	679	501
Child care	1	77	162	–	–
Economic development	2	475	195	–	–
Employment and training programs	2	118	105	–	–
Environmental programs	2	4	29	–	–
Heritage and cultural	2	–	24	829	677
Library	2	3	–	–	–
Library – per capita	2	79	76	–	–

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B2-4 Grants and contributions (continued)

	Timing	Operating 2024 \$ '000	Operating 2023 \$ '000	Capital 2024 \$ '000	Capital 2023 \$ '000
Library – special projects	2	97	52	–	–
LIRS subsidy	2	7	16	–	–
Noxious weeds	2	50	50	–	–
NSW rural fire services	2	78	77	–	–
Recreation and culture	2	25	154	1,757	1,022
Storm/flood damage	2	398	270	–	–
Street lighting	2	66	76	–	–
Transport (roads to recovery)	1	804	509	–	–
Transport (other roads and bridges funding)	2	2,387	1,590	18	700
Other specific grants	2	377	14	92	11
Previously contributions:					
Roads and bridges	1	–	–	2,074	1,071
Transport for NSW contributions (regional roads, block grant)	2	263	257	93	431
Total special purpose grants and non-developer contributions – cash		5,308	3,656	5,542	4,413
Non-cash contributions					
Child care	1	–	–	288	–
Total other contributions – non-cash		–	–	288	–
Total special purpose grants and non-developer contributions (tied)		5,308	3,656	5,830	4,413
Total grants and non-developer contributions		10,858	10,787	5,854	4,622
Comprising:					
– Commonwealth funding		935	7,775	1,439	1,220
– State funding		9,389	1,604	2,677	3,402
– Other funding		534	1,408	1,738	–
		10,858	10,787	5,854	4,622

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B2-4 Grants and contributions (continued)

Developer contributions

	Notes	Timing	Operating 2024 \$ '000	Operating 2023 \$ '000	Capital 2024 \$ '000	Capital 2023 \$ '000
Developer contributions: (S7.11 & S7.12 - EPA Act, S64 of the LGA):						
Cash contributions						
G3						
S7.12 (formally S94A) – fixed development consent levies		2	-	-	160	239
S 64 – water supply contributions		2	-	-	133	70
S 64 – sewerage service contributions		2	-	-	127	16
S 64 – stormwater contributions		2	-	-	3	1
Total developer contributions – cash			-	-	423	326
Total developer contributions			-	-	423	326
Total contributions			-	-	423	326
Total grants and contributions			10,858	10,787	6,277	4,948
Timing of revenue recognition for grants and contributions						
Grants and contributions recognised over time (1)			787	671	2,272	2,272
Grants and contributions recognised at a point in time (2)			10,071	10,116	4,005	2,676
Total grants and contributions			10,858	10,787	6,277	4,948

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B2-4 Grants and contributions (continued)

Unspent grants and contributions

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

	Operating 2024 \$ '000	Operating 2023 \$ '000	Capital 2024 \$ '000	Capital 2023 \$ '000
Unspent grants and contributions				
Unspent funds at 1 July	3,701	962	1,810	2,997
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	2,578	412	882	–
Add: Funds received and not recognised as revenue in the current year	58	2,520	1,432	911
Less: Funds recognised as revenue in previous years that have been spent during the reporting year	(2,455)	–	(261)	–
Less: Funds received in prior year but revenue recognised and funds spent in current year	(485)	(193)	(1,344)	(2,098)
Reclassification to operating from capital grant	(666)	–	666	–
Unspent funds at 30 June	2,731	3,701	3,185	1,810

Material accounting policy information

Grant income under AASB 15

Where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations then the revenues are recognised when control of each performance obligations is satisfied.

The performance obligations are varied based on the agreement. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Each performance obligation is considered to ensure that the revenue recognition reflects the transfer of control and within grant agreements there may be some performance obligations where control transfers at a point in time and others which have continuous transfer of control over the life of the contract.

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

Grant income

Assets arising from grants in the scope of AASB 1058 are recognised at the assets fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

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

Capital grants

Capital grants received to enable Council to acquire or construct an item of infrastructure, property, plant and equipment to identified specifications which will be under Council's control and which is enforceable are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project as there is no profit margin.

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

Developer Contributions

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B2-4 Grants and contributions (continued)

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

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

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

B2-5 Interest and investment income

	2024 \$ '000	2023 \$ '000
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	138	77
– Cash and investments	2,283	1,444
– Deferred debtors	–	1
Total interest and investment income	2,421	1,522
Interest and investment income is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	60	42
General Council cash and investments	842	545
Restricted investments/funds – external:		
Developer contributions		
– Section 7.11	45	20
Water fund operations	882	553
Sewerage fund operations	459	314
Domestic waste management operations	133	48
Total interest and investment income	2,421	1,522

B2-6 Other income

	2024 \$ '000	2023 \$ '000
Rental income		
Other lease income		
Office Space / commercial / land	171	160
Housing	138	144
Other lease income	87	70
Total other lease income	396	374
Total rental income	396	374
Total other income	396	374

B3 Costs of providing services

B3-1 Employee benefits and on-costs

	2024 \$ '000	2023 \$ '000
Salaries and wages	11,432	10,992
Travel expenses	72	34
Employee leave entitlements (ELE)	1,203	1,073
ELE on-costs	10	3
Superannuation	1,328	1,255
Workers' compensation insurance	409	347
Fringe benefit tax (FBT)	16	15
Payroll tax	20	21
Training costs (other than salaries and wages)	141	142
Protective clothing	36	34
Other	54	(122)
Total employee costs	14,721	13,794
Less: capitalised costs	(760)	(751)
Total employee costs expensed	13,961	13,043

Material accounting policy information

Superannuation plans

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

B3-2 Materials and services

	Notes	2024 \$ '000	2023 \$ '000
Consultancy costs		81	54
Raw materials and consumables		25,771	19,302
Contractor costs		197	130
Contractor and consultancy costs			
– Garbage collection charges		1,147	955
– Contractor and consultancy costs – Administration		108	110
– Contractor and consultancy costs – Building & Planning		31	35
– Contractor and consultancy costs – Engineering		35	73
– Other contractor and consultancy costs		636	220
Audit Fees	F2-1	160	93
Previously other expenses:			
Councillor and Mayoral fees and associated expenses	F1-2	171	176
Advertising		35	76
Bank charges		84	78
Election expenses		179	35
Electricity and heating		702	659
Insurance		535	466
Office expenses (including computer expenses)		671	598
Postage		31	30
Printing and stationery		133	106
Street lighting		274	221
Subscriptions and publications		198	136
Telephone and communications		141	149
Valuation fees		184	63
Commissions / agency fees		23	29
Licences and permits		300	278
Regional arts board		12	12
Other expenses		286	26
Legal fees		27	98
Expenses from leases of low value assets		1	3
Film and other hire expenses		12	14
Water Charges (fixed and volumetric)		231	221
Other		71	55
Total materials and services		32,467	24,501
Less: capitalised costs		(19,019)	(12,291)
Total materials and services		13,448	12,210

B3-3 Borrowing costs

	2024	2023
	\$ '000	\$ '000
(i) Interest bearing liability costs		
Interest on loans	<u>81</u>	<u>87</u>
Total interest bearing liability costs	<u>81</u>	<u>87</u>
Total interest bearing liability costs expensed	<u>81</u>	<u>87</u>
Total borrowing costs expensed	<u>81</u>	<u>87</u>

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

	Notes	2024 \$ '000	2023 \$ '000
Depreciation, amortisation and impairment			
Plant and equipment		823	743
Office furniture and equipment		219	232
Land improvements (depreciable)		81	54
Capital work in progress (Impairment)		–	304
Infrastructure:			
– Buildings – non-specialised	C1-6	20	5
– Buildings – specialised		1,589	961
– Other structures		825	538
– Roads		3,203	2,970
– Bridges		83	79
– Footpaths		171	162
– Stormwater drainage		358	343
– Water supply network		1,560	1,418
– Sewerage network		1,049	925
Other assets:			
– Other		38	38
Reinstatement, rehabilitation and restoration assets:			
– Tip assets	C3-5,C1-6	240	240
Total gross depreciation and amortisation costs		10,259	9,012
Total depreciation and amortisation costs		10,259	9,012
Total depreciation, amortisation and impairment for non-financial assets		10,259	9,012

Material accounting policy information

Depreciation and amortisation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note C1-6 for IPPE assets.

Impairment of non-financial assets

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

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

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

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

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

B3-5 Other expenses

	Notes	2024 \$ '000	2023 \$ '000
Impairment of receivables			
Other		-	2
Total impairment of receivables	C1-4	-	2
Other			
Contributions/levies to other levels of government			
- Emergency services levy (includes FRNSW, SES, and RFS levies)		52	30
- NSW fire brigade levy		46	39
- NSW rural fire service levy		194	194
Donations, contributions and assistance to other organisations (Section 356):			
- Annual donations		20	24
- Discretionary donations, contributions and assistance		12	21
Remediation liability		279	228
Total other		603	536
Total other expenses		603	538

B4 Gains or losses

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

	Notes	2024 \$ '000	2023 \$ '000
Gain (or loss) on disposal of property (excl. investment property)			
Proceeds from disposal – property		205	140
Less: carrying amount of property assets sold/written off		(45)	(69)
Gain (or loss) on disposal		160	71
Gain (or loss) on disposal of plant and equipment			
Proceeds from disposal – plant and equipment	C1-6	637	401
Less: carrying amount of plant and equipment assets sold/written off		(533)	(304)
Gain (or loss) on disposal		104	97
Net gain (or loss) from disposal of assets		264	168

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 28 June 2023 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

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

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

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

\$ '000	2024 Budget	2024 Actual	2024 ----- Variance -----	
Revenues				
Rates and annual charges	14,931	15,011	80	1% F
User charges and fees	8,660	8,679	19	0% F
Other revenues	558	842	284	51% F
Bulk water sales, Pool Kiosk sales and RAMJO wage subsidy above budget forecasts and identified at March Budget Review.				
Operating grants and contributions	7,350	10,858	3,508	48% F
Council received additional grants not included in the original budget forecast and presented at quarterly budget reviews for Regional Emergency Road Repair Funds (RERRF), Integrated Land Use Strategy, Local Roads Community Infrastructure (LRCI).				
Capital grants and contributions	1,579	6,277	4,698	298% F
Council received additional grants not included in the original budget forecast and presented at quarterly budget reviews for Wamoon Sewerage, Roxy Theatre works, Canal road, CBD enhancement and Disaster Recovery Funding.				
Interest and investment revenue	749	2,421	1,672	223% F
Higher interest rates through out the year resulted in achieving better return on investments compared to the budget.				
Net gains from disposal of assets	430	264	(166)	(39)% U
Land development sales for Vance estate delayed and reported to December Budget review.				
Other income	294	396	102	35% F
Lease revenue above budget forecasts.				

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B5-1 Material budget variations (continued)

\$ '000	2024 Budget	2024 Actual	2024 ----- Variance -----	
Expenses				
Employee benefits and on-costs	13,508	13,961	(453)	(3)% U
Materials and services	12,162	13,448	(1,286)	(11)% U
Primarily relates to additional expenditure on grants received during the year for and recognised during the quarterly budget reviews.				
Borrowing costs	456	81	375	82% F
New loans for Roxy, LELC and Vance not drawn during the year, resulted in interest savings.				
Depreciation, amortisation and impairment of non-financial assets	8,991	10,259	(1,268)	(14)% U
Additional depreciation due to upward movement in asset values caused by revaluations in prior year as well as additions during the year.				
Net losses from disposal of assets	650	-	650	100% F
Original budget included a write off of assets relating to Roxy theatre works - project to be finalised 24/25.				
Statement of cash flows				
Cash flows from operating activities	6,859	15,944	9,085	132% F
Higher interest rates throughout the year resulted in achieving better return on investments compared to the budget, coupled with significantly more grant revenue being received for the year and savings in loan interest repayments as new loans not drawn.				
Cash flows from investing activities	(15,124)	(17,929)	(2,805)	19% U
Vance estate sales delayed due to works not being complete plus the large carryover works included in the quarterly budget reviews resulted in increase capital works program.				
Cash flows from financing activities	5,591	(295)	(5,886)	(105)% U
New loans for Roxy, LELC and Vance not drawn during the year.				

C Financial position

C1 Assets we manage

C1-1 Cash and cash equivalents

	2024	2023
	\$ '000	\$ '000
Cash assets		
Cash on hand and at bank	7,631	2,255
Cash equivalent assets		
– Deposits at call	10,343	17,999
Total cash and cash equivalents	17,974	20,254
Total cash and cash equivalents per Statement of Financial Position	17,974	20,254
Balance as per the Statement of Cash Flows	17,974	20,254

C1-2 Financial investments

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
Debt securities at amortised cost				
Long term deposits	16,500	6,000	22,000	6,500
Floating rate notes (with maturities > 3 months)	2,000	8,900	–	5,800
Total	18,500	14,900	22,000	12,300
Total financial investments	18,500	14,900	22,000	12,300
Total cash assets, cash equivalents and investments	36,474	14,900	42,254	12,300

Material accounting policy information

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

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

Financial assets

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

Classification

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

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

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

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

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

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

C1-3 Restricted and allocated cash, cash equivalents and investments

	2024 \$ '000	2023 \$ '000
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	51,374	54,554
Less: Externally restricted cash, cash equivalents and investments	<u>(42,793)</u>	<u>(39,818)</u>
Cash, cash equivalents and investments not subject to external restrictions	8,581	14,736
External restrictions		
External restrictions included in cash, cash equivalents and investments above comprise:		
Developer contributions – general	1,168	960
Developer contributions – water fund	31	31
Specific purpose unexpended grants – general fund	4,667	4,368
Specific purpose unexpended grants - water fund	50	–
Water fund	19,757	18,293
Water supplies – carry over works	743	209
Sewer fund	9,382	9,068
Sewerage services – carry over works	409	355
Stormwater management	259	231
Deposits, retention and bonds	923	767
Domestic waste management	818	986
DWM - Landfill Provision	4,586	4,550
External restrictions	42,793	39,818
Total external restrictions	42,793	39,818

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

	2024 \$ '000	2023 \$ '000
(b) Internal allocations		
Internal allocations		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	595	1,401
Infrastructure replacement	–	1,000
Employees leave entitlement	1,391	1,391
Unfinished Works	1,449	1,204
Buildings	–	500
Childcare centre	200	200
Financial assistance advance payment	5,188	5,659
Aerodrome	200	200
Roads general	–	1,000
Sportsgrounds improvements	–	300
Swimming pool	–	450
Land development	255	500
Renewable Energy Efficiencies	120	120
Leeton Museum & Art Gallery	300	300
Election Reserve	80	35
Mainstreet Project - Facade Painting	102	102
Total internal allocations	9,880	14,362

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C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

Unfinished works are to be covered by the planned borrowings, to be drawn in 2024-2025.

C1-4 Receivables

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
Rates and annual charges	1,185	–	1,109	–
Interest and extra charges	129	–	90	–
User charges and fees	1,813	–	621	–
Accrued revenues				
– Interest on investments	668	–	462	–
– Other income accruals	156	–	347	–
Deferred debtors	48	15	314	16
Government grants and subsidies	1,586	–	61	–
Net GST receivable	562	–	340	–
Total	6,147	15	3,344	16
Less: provision for impairment				
Rates and annual charges	(11)	–	(11)	–
User charges and fees	(5)	–	(5)	–
Total provision for impairment – receivables	(16)	–	(16)	–
Total net receivables	6,131	15	3,328	16

Material accounting policy information

Receivables are included in current assets, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets.

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

Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

Impairment

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

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

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

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

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

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

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

Rates and annual charges outstanding are secured against the property.

C1-5 Inventories

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
(i) Inventories at cost				
Real estate for resale	945	-	945	-
Stores and materials	177	-	164	-
Total inventories at cost	1,122	-	1,109	-
Total inventories	1,122	-	1,109	-

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C1-5 Inventories (continued)

(ii) Other disclosures

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
(a) Details for real estate development				
Residential	41	-	41	-
Industrial/commercial	881	-	881	-
Other properties	23	-	23	-
Total real estate for resale	945	-	945	-

(Valued at the lower of cost and net realisable value)

Represented by:

Acquisition costs	866	-	866	-
Development costs	79	-	79	-
Total costs	945	-	945	-
Total real estate for resale	945	-	945	-

Movements:

Real estate assets at beginning of the year	945	-	1,014	-
- Purchases and other costs	-	-	(69)	-
Total real estate for resale	945	-	945	-

Material accounting policy information

Raw materials and stores, work in progress and finished goods

Costs are assigned to individual items of inventory on the basis of weighted average costs.

Real Estate held for resale

Real Estate held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed, borrowing costs and other holding charges are expensed as incurred.

Borrowing costs included in the cost of Real Estate held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

C1-6 Infrastructure, property, plant and equipment

By aggregated asset class	At 1 July 2023			Asset movements during the reporting period						At 30 June 2024		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals ¹	Additions new assets	Carrying value of disposals	Depreciation/ Impairment expense	WIP transfers	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Capital work in progress	13,116	–	13,116	11,098	2,354	–	–	(6,170)	–	20,398	–	20,398
Plant and equipment	9,351	(2,528)	6,823	1,276	177	(533)	(823)	36	–	9,960	(3,004)	6,956
Office Furniture & Equipment	1,524	(667)	857	–	116	–	(219)	61	–	1,707	(892)	815
Land:												
– Operational land	6,254	–	6,254	–	–	(45)	–	–	–	6,209	–	6,209
– Community land	13,643	–	13,643	–	–	–	–	–	–	13,643	–	13,643
Land improvements – depreciable	2,890	(1,231)	1,659	–	46	–	(81)	–	86	3,100	(1,390)	1,710
Infrastructure:												
– Buildings – non-specialised	563	(176)	387	–	–	–	(20)	–	18	590	(205)	385
– Buildings – specialised	52,838	(24,803)	28,035	77	165	–	(1,589)	654	1,320	56,371	(27,709)	28,662
– Other structures	13,077	(5,341)	7,736	678	32	–	(825)	971	402	15,443	(6,449)	8,994
– Roads	151,328	(66,036)	85,292	1,672	252	(4)	(3,203)	2,473	3,992	162,985	(72,511)	90,474
– Bridges	6,905	(2,001)	4,904	–	–	–	(83)	–	231	7,236	(2,184)	5,052
– Footpaths	12,610	(3,141)	9,469	34	11	–	(171)	144	446	13,404	(3,471)	9,933
– Bulk earthworks (non-depreciable)	41,145	–	41,145	–	–	–	–	–	1,975	43,120	–	43,120
– Stormwater drainage	38,248	(9,701)	28,547	–	–	(5)	(358)	192	1,353	40,271	(10,542)	29,729
– Water supply network	101,681	(56,459)	45,222	425	–	–	(1,560)	57	2,030	106,890	(60,716)	46,174
– Sewerage network	73,548	(33,262)	40,286	669	1,153	–	(1,049)	1,582	1,841	80,402	(35,920)	44,482
Other assets:												
– Other assets	197	(110)	87	–	–	–	(38)	–	–	197	(148)	49
Reinstatement, rehabilitation and restoration assets (refer Note C3-5):												
– Quarry assets	–	–	–	–	–	–	–	–	–	–	–	–
– Tip assets	720	(240)	480	–	–	–	(240)	–	–	720	(480)	240
Total infrastructure, property, plant and equipment	539,638	(205,696)	333,942	15,929	4,306	(587)	(10,259)	–	13,694	582,646	(225,621)	357,025

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

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

By aggregated asset class	At 1 July 2022			Asset movements during the reporting period						At 30 June 2023		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals ¹	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Capital work in progress	4,463	–	4,463	7,410	2,679	(1)	(304)	(1,131)	–	13,116	–	13,116
Plant and equipment	8,728	(2,068)	6,660	1,001	208	(303)	(743)	–	–	9,351	(2,528)	6,823
Office equipment	1,493	(435)	1,058	31	–	–	(232)	–	–	1,524	(667)	857
Land:												
– Operational land	5,148	–	5,148	–	–	–	–	–	1,106	6,254	–	6,254
– Community land	8,029	–	8,029	–	–	–	–	–	5,614	13,643	–	13,643
Land improvements – depreciable	2,143	(724)	1,419	7	–	–	(54)	–	287	2,890	(1,231)	1,659
Infrastructure:												
– Buildings – non-specialised	230	(22)	208	–	–	–	(5)	–	184	563	(176)	387
– Buildings – specialised	32,736	(3,908)	28,828	–	205	–	(961)	439	(476)	52,838	(24,803)	28,035
– Other structures	14,502	(1,596)	12,906	156	77	–	(538)	17	(4,882)	13,077	(5,341)	7,736
– Roads	90,608	(6,088)	84,520	121	153	–	(2,970)	669	2,799	151,328	(66,036)	85,292
– Bridges	4,938	(159)	4,779	–	–	–	(79)	–	204	6,905	(2,001)	4,904
– Footpaths	9,551	(315)	9,236	–	–	–	(162)	–	395	12,610	(3,141)	9,469
– Bulk earthworks (non-depreciable)	38,930	–	38,930	–	–	–	–	–	2,215	41,145	–	41,145
– Stormwater drainage	28,334	(665)	27,669	–	–	–	(343)	–	1,221	38,248	(9,701)	28,547
– Water supply network	93,906	(50,925)	42,981	176	303	–	(1,418)	–	3,180	101,681	(56,459)	45,222
– Sewerage network	66,285	(28,259)	38,026	346	34	–	(925)	6	2,799	73,548	(33,262)	40,286
Other assets:												
– Other assets	197	(72)	125	–	–	–	(38)	–	–	197	(110)	87
Reinstatement, rehabilitation and restoration assets (refer Note C3-5):												
– Tip assets	720	–	720	–	–	–	(240)	–	–	720	(240)	480
Total infrastructure, property, plant and equipment	410,941	(95,236)	315,705	9,248	3,659	(304)	(9,012)	–	14,646	539,638	(205,696)	333,942

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

continued on next page ...

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

Material accounting policy information

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

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

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

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

Useful lives of IPPE

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

Plant and equipment	Years	Other equipment	Years
Office equipment and Furniture	3 to 50	Playground equipment	15 to 100
Computer equipment	3 to 5	Benches, seats etc.	20 to 25
Vehicles	5 to 10		
Heavy plant/road making equipment	2 to 50	Buildings	
Other plant and equipment	5 to 15	Buildings: masonry	10 to 150
		Buildings: other	10 to 125
Water and sewer assets		Stormwater assets	
Dams and reservoirs	80 to 100	Drains	10 to 200
Water Treatment Plants	10 to 100	Culverts	50 to 100
Reticulation pipes	10 to 100	Flood control structures	60 to 100
Earthworks	80 to 120	Water	10 to 150
Pumps and telemetry	15 to 80	Sewer	11 to 180
Transportation assets		Other infrastructure assets	
Sealed roads: surface	12 to 20	Bulk earthworks	infinite
Sealed roads: structure	40 to 80	Swimming pools	50 to 60
Unsealed roads	20 to 150	Other open space/recreational assets	15 to 200
Bridges	40 to 100	Other infrastructure	15 to 100
Other Road Assets	20 to 100	Tip Assets	2 to 5
Kerb, gutter and footpaths	20 to 100	Solar Panels	10 to 20

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

Revaluation model

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

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

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

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

Historical cost model

Plant and equipment, office furniture and other assets are held at historical cost less accumulated depreciation as they are high turnover and or low cost.

Rural Fire Service assets

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

However, pursuant to the Council's Rural Fire District Agreement with the Commissioner of the NSW Rural Fire Service, the Council has transferred substantially all of the rights and obligations in respect to all fire fighting equipment vested in the Council to the Commissioner for the foreseeable future. In accordance with the requirements of the Australian Accounting Standards and the Code of Accounting Practice, the Leeton Shire Council has continued not to recognise in their financial statements any rural firefighting plant and equipment assets that have been "vested" in Council.

Until such times as discussions on this matter have concluded and the legislation changed, Council will not recognise the rural fire service's plant and vehicles.

Land under roads

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

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

Crown reserves

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

Where the Crown reserves are under a lease arrangement they are accounted for under AASB 16 Leases, refer to Note C2-1.

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

C1-7 Intangible assets

Intangible assets are as follows:

	2024 \$ '000	2023 \$ '000
Water Licenses		
Opening values at 1 July		
Gross book value	9,766	9,565
Net book value – opening balance	9,766	9,565
Movements for the year		
– Revaluation	(117)	201
Closing values at 30 June		
Gross book value	9,649	9,766
Total Water Licences – net book value	9,649	9,766
Total intangible assets – net book value	9,649	9,766

Material accounting policy information

Council holds a number of high and general security water licences which it recognises as an intangible asset.

- No amortisation costs are applicable, as high and general security licences have an indefinite life.
- Water licences purchased are initially recorded at cost and are revalued annually based on market evidence.
- Water licences are tested for impairment annually based on market evidence. If the recoverable amount is less than the carrying amount the carrying amount is reduced to the recoverable amount and the reduction is recognised as an impairment loss.

C2 Leasing activities

C2-1 Council as a lessee

Office equipment

Leases for office equipment are generally for low value assets. The leases are for 5 years with no renewal option, the payments are fixed.

(a) Income Statement

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

	2024 \$ '000	2023 \$ '000
Expenses relating to leases of low-value assets	1	3
	1	3

(b) Statement of Cash Flows

	2024	2023
Total cash outflow for leases	25	4
	25	4

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Leases at significantly below market value / concessionary leases

Council has no concessionary leases or below market value leases.

C2-2 Council as a lessor

Operating leases

Council leases out a number of properties to community groups, training providers, emergency services, businesses and individuals. These leases have been classified as operating leases for financial reporting purposes and the assets are included as IPP&E. They have not been classified under AASB 140 *Investment Property* as they are held for strategic purposes.

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

	2024 \$ '000	2023 \$ '000
Lease income (excluding variable lease payments not dependent on an index or rate)	396	374
Total income relating to operating leases for Council assets	396	374

	2024 \$ '000	2023 \$ '000
	396	374

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

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

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C2-2 Council as a lessor (continued)

	2024	2023
	\$ '000	\$ '000
< 1 year	340	254
1–2 years	314	225
2–3 years	318	189
3–4 years	328	191
4–5 years	333	193
> 5 years	343	196
Total undiscounted lease payments to be received	1,976	1,248

C3 Liabilities of Council

C3-1 Payables

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
Goods and services	4,198	-	935	-
Accrued expenses:				
– Accrued Interest on Borrowings	40	-	28	-
– Salaries and wages	613	-	564	-
– Other expenditure accruals	593	-	92	-
Security bonds, deposits and retentions	923	-	766	-
Prepaid rates	554	-	514	-
Total payables	6,921	-	2,899	-

Material accounting policy information

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

C3-2 Contract Liabilities

	Notes	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
Unexpended capital grants (to construct Council controlled assets)	(i)	1,572	–	1,627	–
Unexpended operating grants (enforceable contracts)	(ii)	153	–	1,810	–
Child Care Fees in Advance - Leeton Early Learning Centre	(iii)	91	–	84	–
Other		–	–	13	–
Total contract liabilities		1,816	–	3,534	–

Notes

(i) Council has received funding to construct assets including Roxy Theatre, Canal Street Upgrade, Drought Relief Round #3 & CBD Enhancement Projects and other infrastructure. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

(ii) The contract liability relates to grants received prior to the revenue recognition criteria in AASB 1058 being an enforceable contract.

(iii) Childcare fees are paid 2 weeks in advance with 2 weeks notice required for non-attendance/cancellation. No option for refunds is available if the child does not attend. Parents sign an enrolment form that details all the relevant terms and conditions. Revenue is recognised as Council provides the service.

Revenue recognised that was included in the contract liability balance at the beginning of the period

	2024 \$ '000	2023 \$ '000
Grants and contributions received in advance:		
Capital grants (to construct Council controlled assets)	1,343	1,036
Operating grants (received prior to performance obligation being satisfied)	485	211
Total revenue recognised that was included in the contract liability balance at the beginning of the period	1,828	1,247

C3-3 Borrowings

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
Loans – secured ¹	235	1,904	295	2,139
Total borrowings	235	1,904	295	2,139

(1) Loans are secured over the general rating income of Council.
Disclosures on liability interest rate risk exposures and security can be found in Note E1-1.

(a) Changes in liabilities arising from financing activities

	2023 Opening Balance \$ '000	Cash flows \$ '000	2024 Closing balance \$ '000
Loans – secured	2,434	(295)	2,139
Total liabilities from financing activities	2,434	(295)	2,139

	2022 Opening Balance \$ '000	Cash flows \$ '000	2023 Closing balance \$ '000
Loans – secured	2,851	(417)	2,434
Total liabilities from financing activities	2,851	(417)	2,434

(b) Financing arrangements

	2024 \$ '000	2023 \$ '000
Total facilities		
Total financing facilities available to Council at the reporting date are:		
Bank overdraft facilities ¹	545	545
Credit cards/purchase cards	100	100
Total financing arrangements	645	645
Drawn facilities		
Financing facilities drawn down at the reporting date are:		
– Credit cards/purchase cards	16	17
Total drawn financing arrangements	16	17
Undrawn facilities		
Undrawn financing facilities available to Council at the reporting date are:		
– Bank overdraft facilities	545	545
– Credit cards/purchase cards	84	83
Total undrawn financing arrangements	629	628

Additional financing arrangements information

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C3-3 Borrowings (continued)

Breaches and defaults

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

Security over loans

Council's loans are secured by future cash flows.

Leased liabilities are secured by the underlying leased assets.

Bank overdrafts

The bank overdraft of Council is secured by future cashflows of Council.

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

C3-4 Employee benefit provisions

	2024 Current \$ '000	2024 Non-current \$ '000	2023 Current \$ '000	2023 Non-current \$ '000
Annual leave	1,158	–	1,030	–
Long service leave	1,322	221	1,352	131
ELE on-costs	357	32	257	12
Total employee benefit provisions	2,837	253	2,639	143

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

	2024 \$ '000	2023 \$ '000
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	1,406	1,254
	1,406	1,254

Other long-term employee benefit obligations

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

C3-5 Provisions

	2024 Current \$ '000	2024 Non-Current \$ '000	2023 Current \$ '000	2023 Non-Current \$ '000
Other provisions				
Election Provision	–	80	–	35
Sub-total – other provisions	–	80	–	35
Asset remediation/restoration:				
Asset remediation/restoration (future works)	–	4,829	–	4,550
Sub-total – asset remediation/restoration	–	4,829	–	4,550
Total provisions	–	4,909	–	4,585

Description of and movements in provisions

	Other provisions		
	Asset remediation \$ '000	Election Provision \$ '000	Total \$ '000
2024			
At beginning of year	4,550	35	4,585
Other	279	–	279
Total other provisions at end of year	4,829	35	4,864
2023			
At beginning of year	4,322	–	4,322
Unwinding of discount	228	–	228
Additional provisions	–	35	35
Total other provisions at end of year	4,550	35	4,585

Material accounting policy information

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

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

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

Asset remediation – tips and quarries

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

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

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

C4 Reserves

C4-1 Nature and purpose of reserves

IPPE Revaluation reserve

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

Water Licences

The reserve for high security water licences is used to record increments/decrements in the value of tradable water licences.

D Council structure

D1 Results by fund

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

D1-1 Income Statement by fund

	General 2024 \$ '000	Water 2024 \$ '000	Sewer 2024 \$ '000
Income from continuing operations			
Rates and annual charges	10,479	1,671	2,861
User charges and fees	5,220	3,272	187
Interest and investment revenue	1,080	882	459
Other revenues	762	80	-
Grants and contributions provided for operating purposes	10,796	34	28
Grants and contributions provided for capital purposes	5,338	133	806
Net gains from disposal of assets	264	-	-
Other income	396	-	-
Total income from continuing operations	34,335	6,072	4,341
Expenses from continuing operations			
Employee benefits and on-costs	11,952	1,111	898
Materials and services	9,986	2,215	1,247
Borrowing costs	81	-	-
Depreciation, amortisation and impairment of non-financial assets	7,537	1,628	1,094
Other expenses	346	-	257
Total expenses from continuing operations	29,902	4,954	3,496
Operating result from continuing operations	4,433	1,118	845
Net operating result for the year	4,433	1,118	845
Net operating result attributable to each council fund	4,433	1,118	845
Net operating result for the year before grants and contributions provided for capital purposes	(905)	985	39

D1-2 Statement of Financial Position by fund

	General 2024 \$ '000	Water 2024 \$ '000	Sewer 2024 \$ '000
ASSETS			
Current assets			
Cash and cash equivalents	14,502	1,681	1,791
Investments	4,500	8,000	6,000
Receivables	5,233	606	292
Inventories	1,122	-	-
Other	62	-	-
Total current assets	25,419	10,287	8,083
Non-current assets			
Investments	2,000	10,900	2,000
Receivables	4	8	3
Infrastructure, property, plant and equipment	264,117	47,552	45,356
Intangible assets	9,649	-	-
Total non-current assets	275,770	58,460	47,359
Total assets	301,189	68,747	55,442
LIABILITIES			
Current liabilities			
Payables	6,899	14	8
Contract liabilities	1,766	50	-
Borrowings	235	-	-
Employee benefit provision	2,837	-	-
Total current liabilities	11,737	64	8
Non-current liabilities			
Borrowings	1,904	-	-
Employee benefit provision	253	-	-
Provisions	4,909	-	-
Total non-current liabilities	7,066	-	-
Total liabilities	18,803	64	8
Net assets	282,386	68,683	55,434
EQUITY			
Accumulated surplus	99,976	26,695	22,960
Revaluation reserves	182,410	41,988	32,474
Council equity interest	282,386	68,683	55,434
Total equity	282,386	68,683	55,434

E Risks and accounting uncertainties

E1-1 Risks relating to financial instruments held

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

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

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

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

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

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

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

The risks associated with the instruments held are:

- **Market risk - interest rate risk** – the risk that movements in interest rates could affect returns
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

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

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

(a) Market risk – interest rate and price risk

	2024 \$ '000	2023 \$ '000
<p>The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.</p>		
Impact of a 1% movement in interest rates		
– Equity / Income Statement	514	523

E1-1 Risks relating to financial instruments held (continued)

(b) Credit risk

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

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

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

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

Credit risk profile

Receivables – rates and annual charges

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

	Not yet overdue \$ '000	overdue rates and annual charges < 5 years \$ '000	≥ 5 years \$ '000	Total \$ '000
2024				
Gross carrying amount	–	1,156	29	1,185
2023				
Gross carrying amount	–	1,096	13	1,109

Receivables - non-rates and annual charges and contract assets

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

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

	Not yet overdue \$ '000	0 - 30 days \$ '000	Overdue debts			Total \$ '000
			31 - 60 days \$ '000	61 - 90 days \$ '000	> 91 days \$ '000	
2024						
Gross carrying amount	4,977	–	–	–	–	4,977
Expected loss rate (%)	0.00%	0.00%	1.50%	1.50%	1.50%	0.00%
ECL provision	–	–	–	–	–	–
2023						
Gross carrying amount	2,251	–	–	–	–	2,251
Expected loss rate (%)	0.00%	0.00%	1.50%	1.50%	1.50%	0.00%
ECL provision	–	–	–	–	–	–

E1-1 Risks relating to financial instruments held (continued)

(c) Liquidity risk

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

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

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

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

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

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

	Weighted average interest rate %	Subject to no maturity \$ '000	≤ 1 Year \$ '000	payable in: 1 - 5 Years \$ '000	> 5 Years \$ '000	Total cash outflows \$ '000	Actual carrying values \$ '000
2024							
Payables	0.00%	923	5,432	–	–	6,355	6,921
Borrowings	2.93%	–	235	493	1,296	2,024	2,139
Total financial liabilities		923	5,667	493	1,296	8,379	9,060
2023							
Payables	0.00%	766	2,217	–	–	2,983	2,899
Borrowings	3.04%	–	295	728	1,411	2,434	2,434
Total financial liabilities		766	2,512	728	1,411	5,417	5,333

E2-1 Fair value measurement

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

- Infrastructure, property, plant and equipment
- Intangibles

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

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

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

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

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

E2-1 Fair value measurement (continued)

Recurring fair value measurements

\$ '000	Notes	Fair value measurement hierarchy									
		Date of latest comprehensive or Indexation valuation		Level 1 Quoted prices in active mkts		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
		2024	2023	2024	2023	2024	2023	2024	2023	2024	2023
Recurring fair value measurements											
Infrastructure, property, plant and equipment											
	C1-6										
Plant and equipment		30/06/18	30/06/2018	-	-	-	-	-	-	-	-
Office Furniture & Equipment		30/06/18	30/06/2018	-	-	-	-	-	-	-	-
Operational land		30/06/24	30/06/2023	-	-	6,209	6,254	-	-	6,209	6,254
Community land		30/06/24	30/06/2023	-	-	-	-	13,643	13,643	13,643	13,643
Land improvements		30/06/24	30/06/2023	-	-	-	-	1,710	1,659	1,710	1,659
Buildings – specialised		30/06/24	30/06/2023	-	-	-	-	28,662	28,035	28,662	28,035
Buildings – non-specialised		30/06/24	30/06/2023	-	-	385	387	-	-	385	387
Other structures		30/06/24	30/06/2023	-	-	-	-	8,994	7,736	8,994	7,736
Roads		30/06/24	30/06/2020	-	-	-	-	90,474	85,292	90,474	85,292
Bridges		30/06/24	30/06/2020	-	-	-	-	5,052	4,904	5,052	4,904
Footpaths		30/06/24	30/06/2020	-	-	-	-	9,933	9,469	9,933	9,469
Bulk earthworks		30/06/24	30/06/2020	-	-	-	-	43,120	41,145	43,120	41,145
Stormwater drainage		30/06/24	30/06/2020	-	-	-	-	29,729	28,547	29,729	28,547
Water supply network		30/06/24	30/06/2021	-	-	-	-	46,174	45,222	46,174	45,222
Sewerage network		30/06/24	30/06/2021	-	-	-	-	44,482	40,286	44,482	40,286
Tip Assets		30/06/24	30/06/2021	-	-	-	-	240	480	240	480
Other assets		30/06/24	30/06/2018	-	-	-	-	49	87	49	87
Total infrastructure, property, plant and equipment				-	-	6,594	6,641	322,262	306,505	328,856	313,146
Intangible assets											
Water Licences		30/06/24	30/06/2023	9,649	9,766	-	-	-	-	9,649	9,766
Total intangible assets				9,649	9,766	-	-	-	-	9,649	9,766

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E2-1 Fair value measurement (continued)

Valuation techniques

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

The objective of using a valuation technique is to estimate the price at which an orderly transaction to sell or to transfer the liability would take place between market participants at the measurement date under current market conditions. Three widely used valuation techniques are the market approach, the cost approach and the income approach. Leeton Shire Council use valuation techniques consistent with one or more of those approaches to measure fair value on all its asset classes.

Cost Approach

A valuation technique that reflects the amount that could be required to replace the service capacity of an asset.

Income Approach

Valuation technique that converts future amounts (cash flows or income and expenses) to a single current (discount) amount. The fair value measurement is determined on the basis of the value indicated by current market expectations about those future amounts.

Market Approach

A valuation technique that uses prices and other relevant information, generated by the market transactions involving identical or comparable assets, liabilities or a group of assets and liabilities such as a business.

Fair value measurements using significant unobservable inputs (level 3)

The valuation process for level 3 fair value measurements

Council assesses the expertise required for the valuation of all assets classes in determining who will undertake the valuations. All asset classes with the exception of Operational and Community Land and Buildings are undertaken by Council's assets officer in conjunction with the various technical staff.

Operational Land and Building valuations are conducted by a qualified external valuer, Community Land is valued using the Valuer Generals valuation. All the other infrastructure assets valuations are also conducted by the external qualified valuer.

Management reviews the valuations reports for consistency and accuracy and to ensure all valuations movements are fully explained.

Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

	Valuation technique/s	Unobservable inputs
Community Land	Rate per square metre. \$0.08 - \$360.80.	Land value, land area
Land Improvements	Cost used to approximate fair value	Asset condition, remaining lives, residual value
Specialised buildings	Cost approach based on sq metre rate	Asset condition, consumption rate, remaining lives
Other structures (Includes Swimming Pools and other Recreational assets)	Cost used to approximate fair value	Gross replacement cost, useful life and residual value or Asset Condition, consumption rate and remaining life.
Roads, bridges, footpaths, bulkworks	Unit rates per sq metre or length	Asset condition, remaining lives, residual value
Stormwater drainage	Unit rates per sq metre or length	Asset condition, remaining lives, residual value
Water Supply and Sewerage Network	Based on NSW Office of Water Reference Rates Manual	Asset condition, pattern of consumption, residual value, components, dimensions and specification, unit rates
Other assets	Cost used to approximate fair value	Gross replacement cost, useful life and residual value

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E2-1 Fair value measurement (continued)

	Valuation technique/s	Unobservable inputs
Tip Assets	Cost used to approximate fair value	Gross replacement cost, useful life and residual value or Asset Condition, consumption rate and remaining life.

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

	Total Assets	
	2024	2023
	\$ '000	\$ '000
Opening balance	306,505	298,206
Total gains or losses for the period		
Recognised in other comprehensive income – revaluation surplus	13,676	13,356
Other movements		
Purchases (GBV)	11,288	3,949
Disposals (WDV)	(9)	(303)
Depreciation and impairment	(9,198)	(8,703)
Closing balance	322,262	306,505

Information relating to the transfers into and out of the level 3 fair valuation hierarchy includes:

There are no transfers into or out of the level 3 fair valuation hierarchy.

Highest and best use

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

E3-1 Contingencies

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

1. Guarantees

(i) Defined benefit superannuation contribution plans

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

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

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members).

Description of the funding arrangements.

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E3-1 Contingencies (continued)

Pooled Employers are required to pay future service employer contributions and past service employer contributions to the Fund.

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

Division B	1.9 times member contributions for non-180 Point Members; Nil for 180 Point Members*
Division C	2.5% salaries
Division D	1.64 times member contributions

* For 180 Point Members, Employers are required to contribute 8.5% of salaries for the year ending 30 June 2024 (increasing to 9.0% in line with the increase in the Superannuation Guarantee) to these members' accumulation accounts, which are paid in addition to members' defined benefits.

The past service contribution for each Pooled Employer is a share of the total past service contributions of \$20.0 million per annum for 1 January 2022 to 31 December 2024, apportioned according to each employer's share of the accrued liabilities as at 30 June 2023.

These past service contributions are used to maintain the adequacy of the funding position for the accrued liabilities.

The adequacy of contributions is assessed at each triennial actuarial investigation, the next of which is due effective 30 June 2024, and monitored annually between triennials.

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

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

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

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

There is no provision for allocation of any surplus which may be present at the date of withdrawal of an employer.

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2024 was \$91,517.89. The last formal valuation of the Scheme was undertaken by Fund Actuary, Richard Boyfield, FIAA as at 30 June 2023.

Based on a Past Service Liabilities methodology, the share of any funding surplus or deficit that can be attributed to Council is 0.27%. It is estimated that there are \$26,922.89 past service contributions remaining.

Council's expected contribution to the plan for the next annual reporting period is \$61,159.01.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2024 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	2,237.5	
Past Service Liabilities	2,141.9	104.5%
Vested Benefits	2,159.8	103.6%

* excluding other accumulation accounts and reserves in both assets and liabilities.

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

Investment return	6.0% per annum
Salary inflation *	3.5% per annum
Increase in CPI	3.5% for FY 23/24 2.5% per annum thereafter

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E3-1 Contingencies (continued)

* Plus promotional increases

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

Please note that the estimated employer reserves financial position above is a preliminary calculation, and once all the relevant information has been received by the Funds Actuary, the final end of year review will be completed by December 2024.

(ii) Statewide Limited

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

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

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

(iii) StateCover Limited

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

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

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

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

(iv) Other guarantees

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

E3-1 Contingencies (continued)

2. Other

(i) Third party claims

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

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

(ii) S7.11 & 7.12 Plans

Council levies section S7.11 and S7.12A contributions upon various developments across the Council area through the required contribution plans.

As part of these plans, Council has received funds for which it will be required to expend the monies in accordance with those plans.

As well, these plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making levies and receiving funds in future years or where a shortfall exists by the use of Council's general funds.

These future expenses do not yet qualify as liabilities as of the reporting date, but represent Council's intention to spend funds in the manner and timing set out in those plans.

(iii) Tips and quarries

Council operates tips and quarries and will have to rehabilitate the sites at some future date. As at 30 June 2024 Council has established a rehabilitation provision relating to the Leeton landfill but is unable to reliably estimate the financial cost of such work at any other site.

(iv) Deferred Trade Waste fees

Council has responded to a request for leniency, with regard to Trade Waste Fees, by offering to potentially reduce the amount owing if the organisation undertakes a specific improvement program in a timely fashion. Council cannot provide a value on this agreement as there is no way to be sure how much, if any, reduction will be granted.

(v) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30 June 2008.

(vi) Infringement notices/fines

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

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

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

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

(vii) Riverina and Murray Joint Organisation

Council is a member of the Riverina and Murray Joint Organisation (RAMJO), established under the *Local Government Act 1993 (NSW)* together with the Albury City, Berrigan Shire, Carrathool Shire, Edward River, Federation, Griffith City, Hay Shire, Murray River, Murrumbidgee and Narrandera Shire Councils. Council has not recognised our share of the net assets of the Joint Organisation based on materiality and accordingly these have not been included as part of the primary financial statements.

(viii) Riverina Regional Library

Leeton Shire Council joined the Riverina Regional Library service and as such is potentially entitled to a share of assets if the service was to wind up.

Council has not been able to establish what, if any, the share is and has been advised to report nil for the 2023/24 financial year.

F People and relationships

F1 Related party disclosures

F1-1 Key management personnel (KMP)

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

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

	2024 \$ '000	2023 \$ '000
Compensation:		
Short-term benefits	880	992
Post-employment benefits	85	81
Other long-term benefits	53	84
Total	1,018	1,157

continued on next page ...

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

Other transactions with KMP and their related parties

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

Nature of the transaction	Ref	Transactions during the year \$ '000	Outstanding balances including commitments \$ '000	Terms and conditions	Impairment provision on outstanding balances \$ '000	Impairment expense \$ '000
2024						
Airconditioning Maintenance and Servicing	1	251	–	30 day terms on invoices, market value	–	–
2023						
Airconditioning Maintenance and Servicing	1	15	–	30 day terms on invoices, market value	–	–

1 Council transacts with the KMP controlled Weston and Weston. Contracts are awarded through a competitive procurement process.

F1-2 Councillor and Mayoral fees and associated expenses

	2024	2023
	\$ '000	\$ '000
The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:		
Mayoral fee	26	27
Councillors' fees	104	112
Other Councillors' expenses (including Mayor)	41	37
Total	171	176

F2 Other relationships

F2-1 Audit fees

	2024	2023
	\$ '000	\$ '000

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

Auditors of the Council - NSW Auditor-General:

(i) Audit and other assurance services

Audit and review of financial statements

Remuneration for audit and other assurance services

Total Auditor-General remuneration

115	58
115	58
115	58

G Other matters

G1-1 Statement of Cash Flows information

Reconciliation of Operating Result

	2024 \$ '000	2023 \$ '000
Net operating result from Income Statement	6,396	6,499
Add / (less) non-cash items:		
Depreciation and amortisation	10,259	9,012
(Gain) / loss on disposal of assets	(264)	(168)
Non-cash capital grants and contributions	(288)	–
Unwinding of discount rates on reinstatement provisions	(279)	228
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	(3,069)	1,246
Increase / (decrease) in provision for impairment of receivables	–	(35)
(Increase) / decrease of inventories	(13)	(12)
(Increase) / decrease of other current assets	(13)	–
Increase / (decrease) in payables	3,263	(337)
Increase / (decrease) in accrued interest payable	12	(137)
Increase / (decrease) in other accrued expenses payable	550	98
Increase / (decrease) in other liabilities	197	423
Increase / (decrease) in contract liabilities	(1,718)	267
Increase / (decrease) in employee benefit provision	308	(202)
Increase / (decrease) in other provisions	603	35
Net cash flows from operating activities	15,944	16,917

G2-1 Commitments

Capital commitments (exclusive of GST)

	2024	2023
	\$ '000	\$ '000

Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:

Property, plant and equipment

Buildings	3,554	934
Plant and equipment	244	-
Water infrastructure	743	209
Sewer infrastructure	409	355
Roads and drainage	893	399
Parks Improvements	151	-
Other Structures	201	713
Other	288	-
Total commitments	6,483	2,610

These expenditures are payable as follows:

Within the next year	6,483	2,610
Total payable	6,483	2,610

Sources for funding of capital commitments:

Unrestricted general funds	-	1,035
Future grants and contributions	120	-
Sect 64 and 94 funds/reserves	800	-
Unexpended/Future grants/Contract	131	75
Externally restricted reserves	1,353	572
Internally restricted reserves	1,759	-
New loans (to be raised)	2,320	928
Total sources of funding	6,483	2,610

Details of capital commitments

Capital commitments includes Purchase Orders raised but items not yet supplied, unfinished works and revoked works.

G3 Statement of developer contributions

G3-1 Summary of developer contributions

	Opening balance at 1 July 2023 \$ '000	Contributions received during the year			Interest and investment income earned \$ '000	Amounts expended \$ '000	Held as restricted asset at 30 June 2024 \$ '000
		Cash \$ '000	Non-cash Land \$ '000				
Drainage	17	3	-	1	-	21	
Traffic facilities	40	-	-	2	-	42	
Recreation facilities	-	-	-	-	-	-	
Plan administration	-	-	-	-	-	-	
S7.11 contributions – under a plan	57	3	-	3	-	63	
S7.12 levies – under a plan	903	160	-	42	-	1,105	
Total S7.11 and S7.12 revenue under plans	960	163	-	45	-	1,168	
S64 contributions	31	133	-	-	(133)	31	
Total contributions	991	296	-	45	(133)	1,199	

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

G3-2 Developer contributions by plan

	Opening balance at 1 July 2023 \$ '000	Contributions received during the year			Interest and investment income earned \$ '000	Amounts expended \$ '000	Held as restricted asset at 30 June 2024 \$ '000
		Cash \$ '000	Non-cash Land \$ '000				
LEETON S7.11 FIXED LEVY PLAN							
Drainage	17	3	-	1	-	21	
Traffic facilities	40	-	-	2	-	42	
Total	57	3	-	3	-	63	

S7.12 Levies – under a plan

Leeton S7.12 Fixed Levy Plan							
Section S7.12	903	160	-	42	-	1,105	
Total	903	160	-	42	-	1,105	

G4 Statement of performance measures

G4-1 Statement of performance measures – consolidated results

\$ '000	Amounts 2024	Indicator 2024	2023	Indicators 2022	2021	Benchmark
1. Operating performance ratio						
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(145)	(0.38)%	3.82%	0.12%	(13.88)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	38,207					
2. Own source operating revenue ratio						
Total continuing operating revenue excluding all grants and contributions ¹	27,349	61.48%	61.83%	65.02%	59.63%	> 60.00%
Total continuing operating revenue	44,484					
3. Unrestricted current ratio						
Current assets less all external restrictions	14,998	1.44x	2.15x	4.27x	3.41x	> 1.50x
Current liabilities less specific purpose liabilities	10,381					
4. Debt service cover ratio						
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	10,195	27.11x	20.80x	14.98x	5.35x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	376					
5. Rates, annual charges, interest and extra charges outstanding percentage						
Rates and annual charges outstanding	1,303	7.98%	7.82%	6.20%	3.49%	< 10.00%
Rates and annual charges collectable	16,337					
6. Cash expense cover ratio						
Current year's cash and cash equivalents plus all term deposits	40,474	20.27 months	20.14 months	19.57 months	17.58 months	> 3.00 months
Monthly payments from cash flow of operating and financing activities	1,996					

(1) Excludes fair value adjustments, reversal of revaluation decrements and net gain on sale of assets.

(2) Excludes impairment/revaluation decrements and net loss on sale of assets.

G4-2 Statement of performance measures by fund

\$ '000	General Indicators ³		Water Indicators		Sewer Indicators		Benchmark
	2024	2023	2024	2023	2024	2023	
1. Operating performance ratio							
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(4.07)%	2.92%	16.59%	2.94%	1.10%	12.66%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹							
2. Own source operating revenue ratio							
Total continuing operating revenue excluding capital grants and contributions ¹	52.65%	53.72%	97.25%	97.73%	80.79%	85.88%	> 60.00%
Total continuing operating revenue ¹							
3. Unrestricted current ratio							
Current assets less all external restrictions	1.44x	2.15x	160.73x	5,311.50x	1,010.38x	∞	> 1.50x
Current liabilities less specific purpose liabilities							
4. Debt service cover ratio							
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	17.15x	14.83x	∞	∞	∞	∞	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)							
5. Rates, annual charges, interest and extra charges outstanding percentage							
Rates and annual charges outstanding	11.04%	10.76%	0.00%	0.00%	0.00%	0.00%	< 10.00%
Rates and annual charges collectable							
6. Cash expense cover ratio							
Current year's cash and cash equivalents plus all term deposits	18.53 months	18.63 months	∞	∞	∞	∞	> 3.00 months
Monthly payments from cash flow of operating and financing activities							

(1) - (2) Refer to Notes at Note G5-1 above.

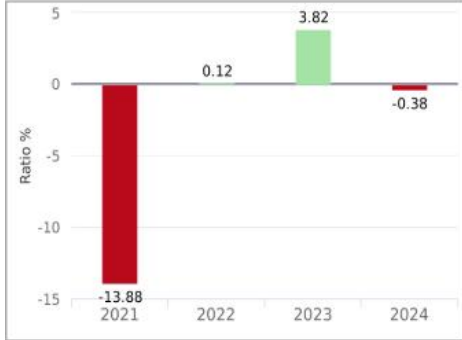
(3) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

End of the audited financial statements

H Additional Council disclosures (unaudited)

H1-1 Statement of performance measures – consolidated results (graphs)

1. Operating performance ratio



Purpose of operating performance ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

Commentary on 2023/24 result

2023/24 ratio (0.38)%

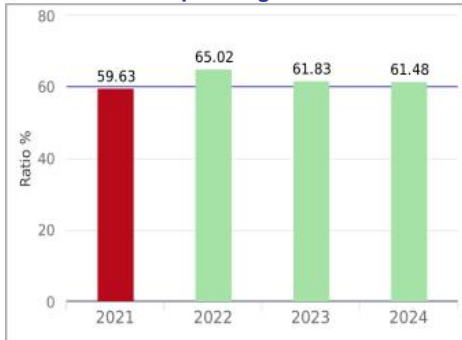
Council had a small surplus operating result this year of \$119K. The ratio has slightly slipped into negative due to adjustment/exclusion of net gain from the disposal of assets. The operating result is higher compared to the original budget, but lower than the previous year due to increase in depreciation, materials and services costs.

Benchmark: — > 0.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark (green bar)
 Ratio is outside benchmark (red bar)

2. Own source operating revenue ratio



Purpose of own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Commentary on 2023/24 result

2023/24 ratio 61.48%

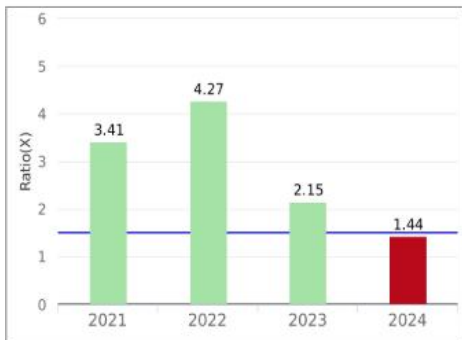
Council has achieved the "Own Source Revenue" benchmark which is consistent with the previous year.

Benchmark: — > 60.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark (green bar)
 Ratio is outside benchmark (red bar)

3. Unrestricted current ratio



Purpose of unrestricted current ratio

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Commentary on 2023/24 result

2023/24 ratio 1.44x

Council has slightly under performed the benchmark this year, mainly due to the timing of planned loans/borrowings which were drawn in August 2024, and general fund covering some of the costs of major projects.

Benchmark: — > 1.50x

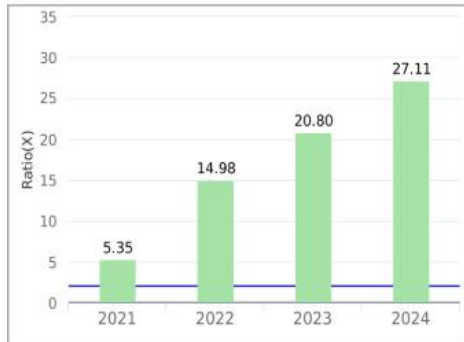
Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark (green bar)
 Ratio is outside benchmark (red bar)

continued on next page ...

H1-1 Statement of performance measures – consolidated results (graphs) (continued)

4. Debt service cover ratio



Purpose of debt service cover ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

Commentary on 2023/24 result

2023/24 ratio 27.11x

While Council has plans to undertake a number of borrowings these loans have been delayed. This combined with the lowering of existing loan balances has seen a favorable increase in this ratio.

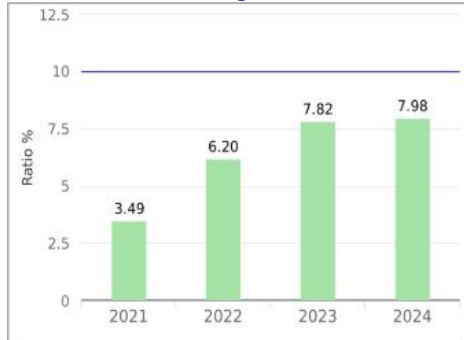
Benchmark: — > 2.00x

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

5. Rates, annual charges, interest and extra charges outstanding percentage



Purpose of rates, annual charges, interest and extra charges outstanding

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

Commentary on 2023/24 result

2023/24 ratio 7.98%

Council is still comfortably under the benchmark but again the ratio is worsening and council will need to ensure collection of outstanding rates and charges is maintained.

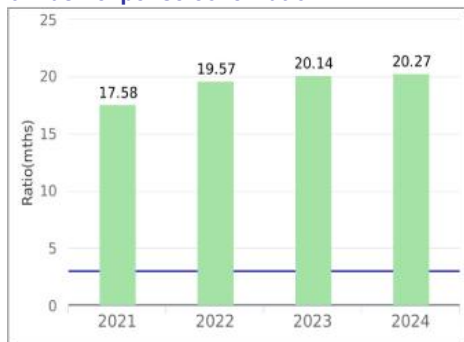
Benchmark: — < 10.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

6. Cash expense cover ratio



Purpose of cash expense cover ratio

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Commentary on 2023/24 result

2023/24 ratio 20.27 months

Council has a strong Cash Expense cover ratio with almost no shift from last year.

Benchmark: — > 3.00months

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

H1-2 Council information and contact details

Principal place of business:
23-25 Chelmsford Place
Leeton NSW 2705

Contact details

Mailing Address:
23-25 Chelmsford Place
Leeton NSW 2705

Telephone: 02 6953 0911
Facsimile: 02 6953 0977

Opening hours:
Office Hours: 8:30am to 5:00pm
Cashier Hours: 9:00am to 4:00pm (Mon - Fri)

Internet: www.leeton.nsw.gov.au
Email: council@leeton.nsw.gov.au

Officers

General Manager
Jacqueline Kruger

Responsible Accounting Officer
Avtar Singh

Public Officer
Sarah Graham

Auditors
NSW Audit Office
Level 15, 1 Margaret Street
Sydney NSW 2000

Elected members

Mayor
Cr George Weston

Councillors
Cr Michael Kidd (Deputy Mayor)
Cr Stephen Tynan
Cr Tracey Morris
Cr Krystal Maytom
Cr Boston Edwards
Cr Sandra Nardi
Cr Nicholas Wright
Cr Sarah Tiffen

Other information

ABN: 59 217 957 665

Leeton Shire Council

General Purpose Financial Statements

for the year ended 30 June 2024

Independent Auditor's Reports:

On the Financial Statements (Sect 417 [2])

Independent Auditor's Report

Please uplift Council's Audit Report PDF (opinion) for inclusion in the GPFS report (via the Home screen).

Leeton Shire Council

General Purpose Financial Statements

for the year ended 30 June 2024

Independent Auditor's Reports: (continued)

On the Financial Statements (Sect 417 [3])

Independent Auditor's Report

Please uplift Council's Audit Report PDF (commentary) for inclusion in the GPFS report (via the Home screen).

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Leeton Shire Council

SPECIAL PURPOSE FINANCIAL STATEMENTS for the year ended 30 June 2024

"Preserving the Past, Enhancing the Future"



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Leeton Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2024

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Background

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

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

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

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

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

Leeton Shire Council

Special Purpose Financial Statements

for the year ended 30 June 2024

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

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

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

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

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

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

Signed in accordance with a resolution of Council made on 29 October 2024.

George Weston
Mayor

Michael Kidd
Deputy Mayor

Jacqueline Kruger
General Manager

Avtar Singh
Responsible Accounting Officer

Leeton Shire Council

Income Statement of water supply business activity
for the year ended 30 June 2024

	2024	2023
	\$ '000	\$ '000
Income from continuing operations		
Access charges	1,671	1,526
User charges	3,272	2,530
Interest and investment income	882	553
Grants and contributions provided for operating purposes	34	38
Other income	80	48
Total income from continuing operations	5,939	4,695
Expenses from continuing operations		
Employee benefits and on-costs	1,111	1,671
Materials and services	1,984	1,196
Depreciation, amortisation and impairment	1,628	1,469
Water purchase charges	231	221
Total expenses from continuing operations	4,954	4,557
Surplus (deficit) from continuing operations before capital amounts	985	138
Grants and contributions provided for capital purposes	133	70
Surplus (deficit) from continuing operations after capital amounts	1,118	208
Surplus (deficit) from all operations before tax	1,118	208
Less: corporate taxation equivalent (25%) [based on result before capital]	(246)	(35)
Surplus (deficit) after tax	872	173
Plus accumulated surplus	25,577	25,369
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	246	35
Closing accumulated surplus	26,695	25,577
Return on capital %	2.1%	0.3%
Subsidy from Council	1,060	1,714
Calculation of dividend payable:		
Surplus (deficit) after tax	872	174
Less: capital grants and contributions (excluding developer contributions)	–	(70)
Surplus for dividend calculation purposes	872	104
Potential dividend calculated from surplus	436	52

Leeton Shire Council

Income Statement of sewerage business activity for the year ended 30 June 2024

	2024 \$ '000	2023 \$ '000
Income from continuing operations		
Access charges	2,861	2,625
User charges	–	10
Liquid trade waste charges	187	351
Interest and investment income	459	314
Grants and contributions provided for operating purposes	28	28
Other income	–	21
Total income from continuing operations	3,535	3,349
Expenses from continuing operations		
Employee benefits and on-costs	898	1,112
Materials and services	1,247	834
Depreciation, amortisation and impairment	1,094	979
Other expenses	257	–
Total expenses from continuing operations	3,496	2,925
Surplus (deficit) from continuing operations before capital amounts	39	424
Grants and contributions provided for capital purposes	806	518
Surplus (deficit) from continuing operations after capital amounts	845	942
Surplus (deficit) from all operations before tax	845	942
Less: corporate taxation equivalent (25%) [based on result before capital]	(10)	(106)
Surplus (deficit) after tax	835	836
Plus accumulated surplus	22,115	21,173
Plus adjustments for amounts unpaid:		
– Corporate taxation equivalent	10	106
Closing accumulated surplus	22,960	22,115
Return on capital %	0.1%	1.0%
Subsidy from Council	1,911	1,272
Calculation of dividend payable:		
Surplus (deficit) after tax	835	836
Less: capital grants and contributions (excluding developer contributions)	(679)	(518)
Surplus for dividend calculation purposes	156	318
Potential dividend calculated from surplus	78	159

Leeton Shire Council

Statement of Financial Position of water supply business activity

as at 30 June 2024

	2024	2023
	\$ '000	\$ '000
Current assets		
Cash and cash equivalents	1,681	2,233
Investments	8,000	8,000
Receivables	606	390
Total current assets	10,287	10,623
Non-current assets		
Investments	10,900	8,300
Receivables	8	5
Infrastructure, property, plant and equipment	47,552	46,067
Total non-current assets	58,460	54,372
Total assets	68,747	64,995
LIABILITIES		
Current liabilities		
Contract liabilities	50	-
Payables	14	2
Total current liabilities	64	2
Total liabilities	64	2
Net assets	68,683	64,993
EQUITY		
Accumulated surplus	26,695	25,577
Revaluation reserves	41,988	39,416
Total equity	68,683	64,993

Leeton Shire Council

Statement of Financial Position of sewerage business activity
 as at 30 June 2024

	2024	2023
	\$ '000	\$ '000
Current assets		
Cash and cash equivalents	1,791	1,423
Investments	6,000	6,000
Receivables	292	734
Total current assets	8,083	8,157
Non-current assets		
Investments	2,000	2,000
Receivables	3	5
Infrastructure, property, plant and equipment	45,356	42,187
Total non-current assets	47,359	44,192
Total assets	55,442	52,349
LIABILITIES		
Current liabilities		
Payables	8	-
Total current liabilities	8	-
Total liabilities	8	-
Net assets	55,434	52,349
EQUITY		
Accumulated surplus	22,960	22,115
Revaluation reserves	32,474	30,234
Total equity	55,434	52,349

Note – Material accounting policy information

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

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

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

The disclosures in these special purpose financial statements have been prepared in accordance with the *Local Government Act 1993* (Act), the *Local Government (General) Regulation 2022* (Regulation) and the Local Government Code of Accounting Practice and Financial Reporting.

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

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

National Competition Policy

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

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

Declared business activities

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

Category 1

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

a. Water Supply

Comprising the whole of the operations and net assets of Council's water supply activities servicing the towns of Leeton, Yanco, Whitton and Murrumbidgee which are established as a separate Special Rate Fund.

b. Sewerage Service

Comprising the whole of the operations and net assets of Council's sewerage reticulation & treatment activities servicing the towns of Leeton, Whitton and Yanco, which are established as a separate Special Rate Fund.

Category 2

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

Council has no Category 2 Business Activities

Taxation equivalent charges

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

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

Note – Material accounting policy information (continued)

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

Notional rate applied (%)

Corporate income tax rate – 25%

Land tax – the first \$1,075,000 of combined land values attracts 0%. For the combined land values in excess of \$1,075,001 up to \$6,571,000 the rate is 1.6% + \$100. For the remaining combined land value that exceeds \$6,571,000 a premium marginal rate of 2.0% applies.

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

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

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

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

Income tax

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

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

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 25%.

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

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

The rate applied of 25% is the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

Local government rates and charges

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

Loan and debt guarantee fees

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

(i) Subsidies

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

(ii) Return on investments (rate of return)

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

continued on next page ...

Page 90

Note – Material accounting policy information (continued)

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

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

The rate of return is calculated as follows:

Operating result before capital income + interest expense

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

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 4.42% at 30 June 2024.

(iii) Dividends

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

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

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

- 50% of this surplus in any one year, or
- the number of water supply or sewerage assessments at 30 June 2024 multiplied by \$30 (less the payment for tax equivalent charges, not exceeding \$3 per assessment).

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

Leeton Shire Council

Special Purpose Financial Statements
for the year ended 30 June 2024

Leeton Shire Council

SPECIAL SCHEDULES
for the year ended 30 June 2024

"Preserving the Past, Enhancing the Future"



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Leeton Shire Council

Special Schedules

for the year ended 30 June 2024

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Leeton Shire Council

Permissible income for general rates

	Notes	Calculation 2023/24 \$ '000	Calculation 2024/25 \$ '000
Notional general income calculation ¹			
Last year notional general income yield	a	7,936	8,136
Plus or minus adjustments ²	b	33	12
Notional general income	c = a + b	7,969	8,148
Permissible income calculation			
Percentage increase	d SS3C	3.70%	4.50%
Plus percentage increase amount ³	f = d x (c + e)	295	367
Sub-total	g = (c + e + f)	8,264	8,515
Plus (or minus) last year's carry forward total	h	10	138
Sub-total	j = (h + i)	10	138
Total permissible income	o = k + n	8,274	8,653
Less notional general income yield	l	8,136	8,650
Catch-up or (excess) result	m = k - l	138	3
Carry forward to next year ⁴	p = m + n + o	138	3

Notes

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

Leeton Shire Council

Report on infrastructure assets as at 30 June 2024

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard \$ '000	Estimated cost to bring to the agreed level of service set by Council \$ '000	2023/24 Required maintenance ^a \$ '000	2023/24 Actual maintenance \$ '000	Net carrying amount \$ '000	Gross replacement cost (GRC) \$ '000	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
Buildings	Buildings – non-specialised	87	87	30	30	429	634	37.0%	39.0%	24.0%	0.0%	0.0%
	Buildings – specialised	15,724	15,724	323	323	26,729	52,649	15.0%	25.0%	46.0%	13.0%	1.0%
	Water buildings	1,037	1,037	13	13	1,700	3,237	25.0%	9.0%	34.0%	32.0%	0.0%
	Sewer Buildings	167	167	4	4	189	435	24.0%	6.0%	21.0%	49.0%	0.0%
	Sub-total	17,015	17,015	370	370	29,047	56,955	15.9%	24.1%	44.9%	14.2%	0.9%
Other structures	Other	1,133	1,133	1,343	1,343	6,558	9,302	62.0%	20.0%	16.0%	2.0%	0.0%
	Sub-total	1,133	1,133	1,343	1,343	8,994	9,302	62.0%	20.0%	16.0%	2.0%	0.0%
Roads	Sealed roads	31,732	31,732	1,871	1,871	65,998	116,500	26.0%	39.0%	20.0%	9.0%	6.0%
	Unsealed roads	3,735	3,735	902	902	9,772	16,908	12.0%	49.0%	35.0%	0.0%	4.0%
	Bridges	737	737	–	–	5,052	7,237	57.0%	34.0%	8.0%	1.0%	0.0%
	Footpaths	1,065	1,065	25	25	9,934	13,404	76.0%	18.0%	6.0%	1.0%	(1.0%)
	Other road assets	3,472	3,472	9	9	4,181	9,523	15.0%	29.0%	32.0%	8.0%	16.0%
	Bulk earthworks	–	–	–	–	43,120	43,120	100.0%	0.0%	0.0%	0.0%	0.0%
	Kerb & Guttering	5,633	5,633	81	81	10,522	20,053	15.0%	47.0%	31.0%	7.0%	0.0%
	Sub-total	46,374	46,374	2,888	2,888	148,579	226,745	41.5%	31.2%	17.6%	5.7%	4.0%
Water supply network	Mains	16,351	16,351	974	974	21,636	47,078	3.0%	47.0%	34.0%	13.0%	3.0%
	Dams/Weirs	2,053	2,053	–	–	4,226	7,848	6.0%	94.0%	0.0%	0.0%	0.0%
	Pump Stations	663	663	20	20	1,053	2,145	1.0%	65.0%	21.0%	11.0%	2.0%
	Filtration/Treatment Plant	12,813	12,813	787	787	10,532	29,018	3.0%	2.0%	71.0%	21.0%	3.0%
	Reservoirs	5,022	5,022	2	2	6,302	14,149	0.0%	42.0%	47.0%	8.0%	3.0%
	Water Nodes	2,803	2,803	–	–	2,425	6,528	31.0%	10.0%	18.0%	8.0%	33.0%
	Sub-total	39,705	39,705	1,783	1,783	46,174	106,766	4.5%	35.7%	42.0%	13.2%	4.6%
Sewerage network	Sewer Lines	7,025	7,025	234	234	27,910	41,012	54.0%	21.0%	19.0%	6.0%	0.0%
	Pump Stations	4,974	4,974	311	311	7,323	14,540	20.0%	26.0%	28.0%	18.0%	8.0%
	Treatment Plants	10,727	10,727	–	–	9,249	24,849	6.0%	47.0%	6.0%	3.0%	38.0%
	Sewer Nodes	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%
	Sub-total	22,726	22,726	545	545	44,482	80,401	33.0%	29.9%	16.6%	7.2%	13.3%
	Pipes	2,302	2,302	211	211	23,692	31,545	69.0%	25.0%	6.0%	0.0%	0.0%
Other	–	–	–	–	–	–	0.0%	0.0%	0.0%	0.0%	0.0%	

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Leeton Shire Council

Report on infrastructure assets as at 30 June 2024 (continued)

Asset Class	Asset Category	Estimated cost to bring assets to satisfactory standard \$ '000	Estimated cost to bring to the agreed level of service set by Council \$ '000	2023/24 Required maintenance ^a \$ '000	2023/24 Actual maintenance \$ '000	Net carrying amount \$ '000	Gross replacement cost (GRC) \$ '000	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
Stormwater drainage	Pump Stations	158	158	–	–	809	1,209	87.0%	8.0%	3.0%	0.0%	2.0%
	Pits & Inlets	566	566	–	–	2,686	4,064	45.0%	47.0%	6.0%	0.0%	2.0%
	Channels	–	–	–	–	1,436	1,453	100.0%	0.0%	0.0%	0.0%	0.0%
	Culverts	494	494	–	–	1,106	2,000	13.0%	56.0%	29.0%	0.0%	2.0%
	Sub-total	3,520	3,520	211	211	29,729	40,271	65.5%	27.3%	6.8%	0.0%	0.4%
Open space / recreational assets	Recreational assets	2,261	2,261	–	–	–	6,149	42.0%	17.0%	29.0%	4.0%	8.0%
	Sub-total	2,261	2,261	–	–	–	6,149	42.0%	17.0%	29.0%	4.0%	8.0%
Total – all assets		132,734	132,734	7,140	7,140	307,005	526,589	32.1%	30.5%	24.6%	7.8%	5.0%

(a) Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

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

Leeton Shire Council

Report on infrastructure assets as at 30 June 2024

Infrastructure asset performance indicators (consolidated) *

\$ '000	Amounts	Indicator	2023	Indicators		Benchmark
	2024	2024		2022	2021	
Buildings and infrastructure renewals ratio						
Asset renewals ¹	11,014					
Depreciation, amortisation and impairment	8,858	124.34%	112.07%	94.16%	123.40%	> 100.00%
Infrastructure backlog ratio						
Estimated cost to bring assets to a satisfactory standard	132,734					
Net carrying amount of infrastructure assets	327,403	40.54%	28.42%	15.83%	17.36%	< 2.00%
Asset maintenance ratio						
Actual asset maintenance	7,140					
Required asset maintenance	7,140	100.00%	100.01%	101.36%	146.32%	> 100.00%
Cost to bring assets to agreed service level						
Estimated cost to bring assets to an agreed service level set by Council	132,734					
Gross replacement cost	526,589	25.21%	17.62%	12.19%	13.55%	

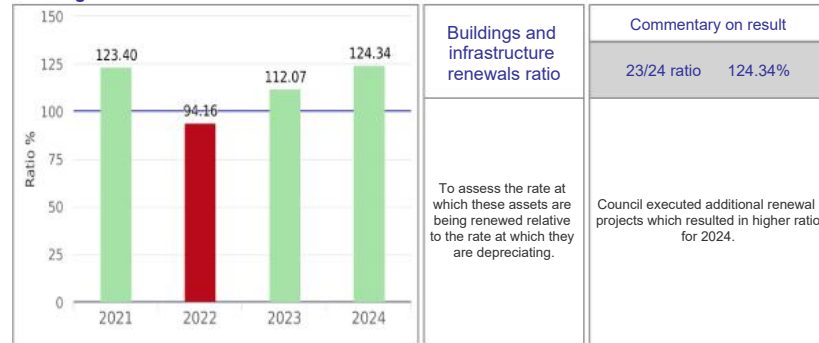
(*) All asset performance indicators are calculated using classes identified in the previous table.

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

Leeton Shire Council

Report on infrastructure assets as at 30 June 2024

Buildings and infrastructure renewals ratio



Buildings and infrastructure renewals ratio

Commentary on result

23/24 ratio 124.34%

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

Council executed additional renewal projects which resulted in higher ratio for 2024.

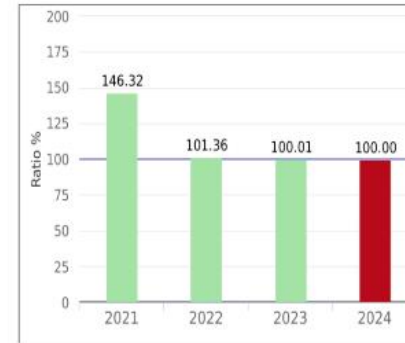
Benchmark: — > 100.00%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Asset maintenance ratio



Asset maintenance ratio

Commentary on result

23/24 ratio 100.00%

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.

Council has achieved the benchmark of 100% threshold by spending a significant amount on asset maintenance in 2023/24.

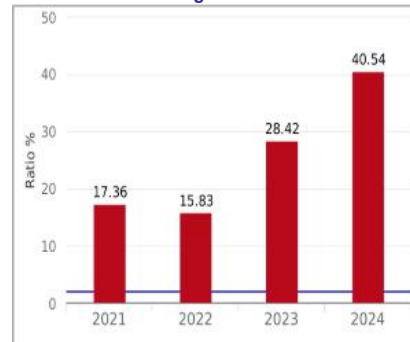
Benchmark: — > 100.00%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Infrastructure backlog ratio



Infrastructure backlog ratio

Commentary on result

23/24 ratio 40.54%

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.

The following factors have contributed to the increase in backlog ratio:-
 - Methodology for recognition of gross replacement cost and accumulated depreciation has changed.
 - The Building valuation has shown a decrease in building condition overall
 - Inflationary pressure has put pressure on renewal costs

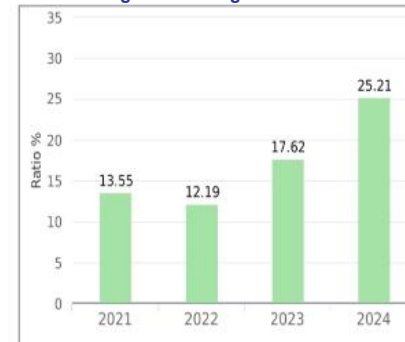
Benchmark: — < 2.00%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Cost to bring assets to agreed service level



Cost to bring assets to agreed service level

Commentary on result

23/24 ratio 25.21%

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

The following factors have contributed to the rise in this ratio:-
 - Methodology for recognition of gross replacement cost and accumulated depreciation has changed.
 - The Building valuation has shown a decrease in building condition overall
 - Inflationary pressure has put pressure on renewal costs

Benchmark: — < 25.21%

Ratio achieves benchmark

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio is outside benchmark

Leeton Shire Council

Report on infrastructure assets as at 30 June 2024

Infrastructure asset performance indicators (by fund)

\$ '000	General fund		Water fund		Sewer fund		Benchmark
	2024	2023	2024	2023	2024	2023	
Buildings and infrastructure renewals ratio							
Asset renewals ¹							
Depreciation, amortisation and impairment	176.25%	163.98%	0.00%	0.00%	0.00%	0.00%	> 100.00%
Infrastructure backlog ratio							
Estimated cost to bring assets to a satisfactory standard							
Net carrying amount of infrastructure assets	29.70%	18.90%	85.99%	64.64%	51.09%	39.44%	< 2.00%
Asset maintenance ratio							
Actual asset maintenance							
Required asset maintenance	100.00%	100.02%	100.00%	100.00%	100.00%	100.00%	> 100.00%
Cost to bring assets to agreed service level							
Estimated cost to bring assets to an agreed service level set by Council							
Gross replacement cost	20.71%	13.12%	37.19%	28.75%	28.27%	21.60%	

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

ITEM 8.1.2. DEVELOPMENT APPLICATION – DA 49/2024 - (336 PETERSHAM ROAD, LEETON)

AUTHOR/S: Environmental Health Office/ Building Surveyor

APPROVER/S: Manager Planning, Building and Health
Director of Economic and Community Development

PROPOSAL: Detached shed and relocation of the existing horse stable

PROPERTY: Lot 2 DP 1260698

ADDRESS: 336 Petersham Road, Leeton

APPLICANT: Clearsky Environmental Services

OWNER: Claire & Nigel Deaton

ZONING: C4 Environmental Living

APPLICABLE PLANNING INSTRUMENT: Leeton Local Environmental Plan 2014

EXISTING DEVELOPMENT: Dwelling house, detached garage and horse stable

APPLICATION DATE: 17 May 2024

REASON FOR REFERRAL: Three (3) objections received

SUMMARY/PURPOSE

Council has received a development application (**Attachment 1**) for the construction of a detached shed and relocation of the existing horse stable at Lot 2 DP 1260698, 336 Petersham Road, Leeton.

The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025. Three (3) submissions were received opposing the development.

As required under Part 8 of the Leeton Shire Council Development Application Objections Policy, where a Development Application is the subject of more than one objection, the matter will be submitted to Council for determination.

RECOMMENDATION

THAT Council grants consent to Development Application 49/2024 for the construction of a detached shed and relocation of the existing horse stable at Lot 2 DP 1260698 336 Petersham Road Leeton, subject to the following conditions of consent:

GENERAL CONDITIONS

1. Approved plans and documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects	336 Petersham Road (Amended)	1-12	Clearsky	17.7.2024
Site Plan	24013	A1	AS Drafting	17.7.2024
Floor Plan (shed)	2894822998	6 of 10	Emerald Engineers	30.11.2023
Elevations (shed)	2894822998	2 of 10	Emerald Engineers	30.11.2023
Elevations (shed)	2894822998	3 of 10	Emerald Engineers	30.11.2023
Floor Plan & Elevations (stable)	336 Petersham Road	2 of 3	Ben Lang	15.9.2005
Section & Elevations (stable)	336 Petersham Road	3 of 3	Ben Lang	15.9.2005

{Reason: To ensure that the development is undertaken in accordance with that assessed}

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Activity on site

No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and/or
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

3. Application to be made in Planning Portal

Should Council be appointed as the Principal Certifier, an application for a Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

4. Landscaping Plan

Prior to the issue of a Construction Certificate a landscaping plan shall be submitted to and approved by Council.

The landscaping plan shall be drawn to scale and include:

- a. Minimum scale of 1:200
- b. Location of all proposed trees and shrubs
- c. The species of all proposed trees and shrubs
- d. Height and spread of selected species at maturity
- e. Irrigation measures

{Reason: to reduce the impact of the development on adjoining development}

PRIOR TO THE COMMENCEMENT OF WORKS

5. Insurance requirements under Home Building Act

The applicant shall obtain insurance under the Home Building Compensation Fund in accordance with the provisions of Part 6 of the Home Building Act 1989 and provide a copy to the Principal Certifier prior to the commencement of works.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

6. Notification of Home Building Act requirements

Residential building work within the meaning of the Home Building Act 1989 shall not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a. in the case of work for which a Principal Contractor is required to be appointed:
 - i. the name and licence number of the Principal Contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- a. in the case of work to be done 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 that Act, the number of the owner-builder permit

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work shall not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

7. On-site Sewer Management

A separate application under Section 68 of the Local Government Act 1993 shall be submitted to Council and approval obtained prior to the installation of the on-site sewer management system. The application shall be submitted through the NSW Planning Portal, with the relevant fees being paid.

{Reason: To ensure that the appropriate approvals are issued for an on-site-sewerage-management-system.}

8. Section 68 Approval

An application to carry out water supply, sewerage and stormwater drainage work, under Section 68 of the Local Government Act 1993 must be submitted through the NSW Planning Portal and approved by the consent Authority, prior to the commencement of work.

{Reason: To ensure the correct approvals under the Local Government Act 1993 have been issued.}

DURING BUILDING WORKS

9. Building Code of Australia

All building works shall be carried out in accordance with the Building Code of Australia.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

10. Construction hours

Construction work shall only be carried out within the following time:

Monday to Friday: 7.00 am to 6.00 pm

Saturday: 8:00am to 4:00pm

Sunday and public holidays: No construction work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

11. Public access to site

Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with SafeWork NSW publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by SafeWork NSW.}

12. Protection of public places

A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place. If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the Roads Act 1993 will need to be lodged with Council together with the associated fee.

{Reason: To ensure the protection of the surrounding public from all building related materials.}

13. Site signage

A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- a. The name, address and telephone number of the Principal Certifier for the work; and
- b. The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c. That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

14. Temporary Closet Facility

Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

15. Erosion and sediment control - site

Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed, or earthworks are carried out.

{Reason: To ensure no detrimental effects are caused to Council infrastructure.}

16. Erosion and sediment control – vehicles

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

{Reason: To protect and council infrastructure and to ensure all system functions remain in good working order.}

17. Application under Section 138 of the Roads Act 1993

A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve, including the upgrading of access driveways for this development. An application must be submitted to Council and approved prior to commencement of works within the road reserve.

The Section 138 application is to include:

- a. Detailed construction plans, including a long section where appropriate.
- b. Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20M. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- c. A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.32009 and the RMS current version of the "Traffic Control at Worksites" manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

18. Construction vehicles

Vehicles used in the construction of the development are to be managed such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

19. Damage to public infrastructure

Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).

{Reason: Implementation of Council policy}

20. Stormwater drainage

The stormwater drainage system must be constructed to comply with the following requirements as a minimum:

- a. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.
- b. All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
- c. Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- d. All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.
- e. Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.

{Reason: To ensure stormwater is controlled adequately.}

21. Approved Plans

A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifier or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

22. Application for any Occupation Certificate

Application for any Occupation Certificate shall be submitted through the NSW Planning Portal and approved by the Principal Certifier prior to occupation of the building.

{Reason: Compliance with Clause 37 of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

23. Occupation

The premises shall not be occupied until the Occupation Certificate has been issued.

{Reason: Compliance with Clause 42 (3) of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

24. Rectification of damage to public infrastructure

Prior to the issue of any occupation certificate, any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

25. Sewer Service & Stormwater drainage diagrams

The contracted plumber as the "responsible person" must submit a Sewer Service Diagram (SSD) and stormwater drainage diagram to Leeton Shire Council as the delegated Water Authority, and the owner of the land or owner's agent for all plumbing and drainage work on a sanitary drainage system. The SSD is required to be submitted

Prior to the issue of any Occupation Certificate. The plans must comply with the following requirements;

- a. A4 and A3 SSD Templates are available via the Fair Trading website
- b. For all drawings larger than A3 only PDF & AutoCAD versions are accepted using the correct Fair Trading SSD legend and sign off template.
- c. All drawn and required text information on the diagram must be complete and legible in a fine point black pen
- d. SSD must be drawn to a scale. Preferred scales are: 1:100; 1:200; 1:250; 1:500
- e. North point must be shown on the diagram
- f. Include only symbols and abbreviations as shown on the template legend
- g. All lettering and figures are to be drawn clear and legible
- h. Diagrams are only to show sanitary drainage up to the point of connection within the property boundary, property boundaries and building outlines
- i. Clearly show the sanitary drainage layout up to the point of connection within the property boundary indicating all internal points, external drainage, trade waste and any greywater treatment / diversion system up to the point of connection with the Network Utility Operator's sewer including any existing sanitary drainage remaining in use on the property
- j. Street name and number (for street frontage) and/or Lot number and DP (deposited plan) number.
- k. Suburb and municipality
- l. if there is no connection to a Network Utility Operator's sewer please label as private sewer, community title, onsite septic tank or AWTS etc.

{Reason: To comply with the requirement of NSW Fair Trading and Leeton Shire Council as the delegated Water Authority.}

26. Landscaping

Prior to the issue of any occupation certificate the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved landscape plan.

{Reason: to ensure quality of landscaping features}

OCCUPATION AND ONGOING USE

27. Use of building

The buildings shall not be used for commercial or industrial purposes or as a home industry or a home occupation without further development consent of Council.

{Reason: To prevent the unauthorised use of a building for a use that may not be permissible or is permissible with conditions.}

REPORT

(a) Background

Removal of Vegetation

Council was notified on 8 May 2024 that the removal of vegetation was occurring at the subject site, 336 Petersham Road, and were requested to investigate the matter. Council officers attended the site on 8 May 2024 and observed that 6 trees located to the rear of the property had been removed. During the site inspection, the owners advised that the removal was necessary for the construction of a shed, for which they were yet to seek development consent.

Proposed Development

Clearsky Environmental Services, acting on behalf of the property owners, lodged a development application (DA49/2024) on 17th May 2024. The application (**Attachment 1**) seeks development consent for the construction of a detached shed and relocation of the existing horse stable at Lot 2 DP 1260698, 336 Petersham Rd, Leeton.

The proposed shed is 30 metres long and 12 metres wide (floor area 360 m²), 4.6 metres high at the roof gutter and 5.8 metres high at the ridge line. It has one open bay (5m x 12m) and the remaining area (25m x 12m) is enclosed, with access provided by three roller doors and one doorway. A small bathroom is included within the building. The steel framed structure is clad in Colorbond metal sheeting that is deep grey in colour (Colorbond colour "Monolith").

The applicant has submitted the following to explain the purpose of the proposed shed:

The ongoing use of the shed will be to store an Isuzu NPS truck, 24ft caravan, Quintrex 4.3m top ender fishing boat, horse float, feed room for horses, motorbikes and overflow that cannot fit in the current small shed. The property does not have an additional garage therefore the small shed is required to be used as one for the second vehicle. It is important to note that the truck and caravan require a 4m clearance on the roller door opening hence the walls of the shed will stand at 4.5m with a 4m opening and 500mm for the drum of the roller door. The pitch of the shed is the general minimum fall at 11 degrees. Therefore, the peak of the shed will be 5.7m. The bathroom in the shed is to allow for it to be used for salami days, special family gatherings and a play space for children when the weather is too hot or cold.

The existing horse stable is 8 metres long and 8 metres wide (floor area 64 m²), 3.0 metres high at the roof gutter and 4.5 metres high at the ridge line. The applicant has submitted the following to explain the purpose of relocating the horse stable:

The relocated stable is square in shape 8m x 8m with a gable roof at a peak height of 4.5m. The stable has four 'rooms' - 2 stabling rooms, a tack room and a grooming room. Its ongoing use will be as a stable for horse accommodation. The proposed relocation of the stables will allow for it to be split into two separate yards for the two horses which reside on the property. A fence line will be established between each stable to split the structure in two. This is necessary for when the mares are foaling down and to separate the mares and the foals later. The stables too will be painted or resheeted in Monolith and a landscape plan is being developed to plant mixed species native trees along with a variety of shrubs and low lying native grasses that will screen both structures, light and sound from neighbouring properties this spring.

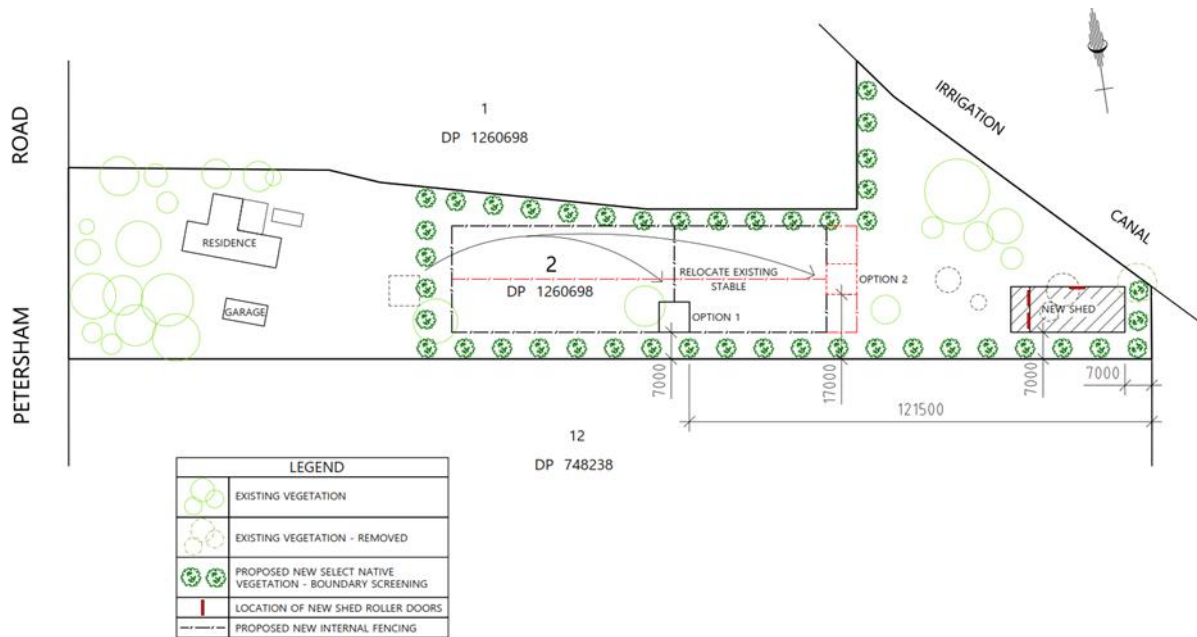


Figure 1: Illustrates the proposed development.

It is noted that Figure 1 indicates the amended proposal received by Council on 2 July 2024. Figure 2 illustrates the original proposal that was submitted with the development application. The amendments to the original proposal include;

- Locating the proposed shed adjacent to the rear boundary,
- Providing two options for the re-location of the horse stable,
- Deleting the proposed removal of additional trees, and
- Provision of native vegetation, primarily to the boundaries of the site.



Figure 2: Original proposed development

Site Characteristics

The subject site is legally identified as Lot 2 DP 1260698 and is known as 336 Petersham Road, Leeton. Refer Figure 3 for a location map. The allotment was created by the subdivision of Lot 2 DP 787452 and was registered on 6 February 2020.

The subject site is an unusual shape with the rear section widening to adjoin the rear boundary of the neighbouring allotment (Lot 1 DP 1260698 344 Petersham Rd). It has a frontage to Petersham Road of 50.5m, maximum depth of 287.3m and an area of 1.312 hectares. There is an easement for water supply 6.035m wide along the front boundary and

an easement for drainage 5.03m wide along the rear boundary. The site is generally flat with a fall of approximately 600mm from the front to the rear boundary.

Vehicular access is available from the Petersham Road carriageway. Reticulated water supply, electricity and telecommunications are available to the site. Reticulated sewerage is not available and the existing dwelling has an on-site sewage management system for the treatment of effluent. The proposed shed includes a bathroom and the disposal of effluent is proposed by installing an on-site sewage management system. The applicant has submitted a land capability assessment that confirms that the subject site is suitable for the on-site disposal of effluent.

The properties adjoining the side boundaries are of a similar character to the subject site and contain single dwellings and detached sheds. To the east is an irrigation channel, Fivebough Wetland and a horticultural farm. To the west is the Petersham Road, road reserve, beyond which are small rural holdings.



Figure3: Site Location

Existing Development

Council's records indicate that there are three previous development applications relating to the subject site.

- DA33/1989 & BA62/1989 - Dwelling. Determined 9.5.1989.
- DA 102/1999 - Awning. Determined 30.11.1998.
- DA 202/2005 - Erection of shed. Determined 28.11.2005.

It is noted that the subject site (Lot 2 DP 1260698) and the adjoining property to the north (Lot 1 DP 1260698) were created by the subdivision of Lot 2 DP 787452 (DA75/2019 Determined 14.8.2019).

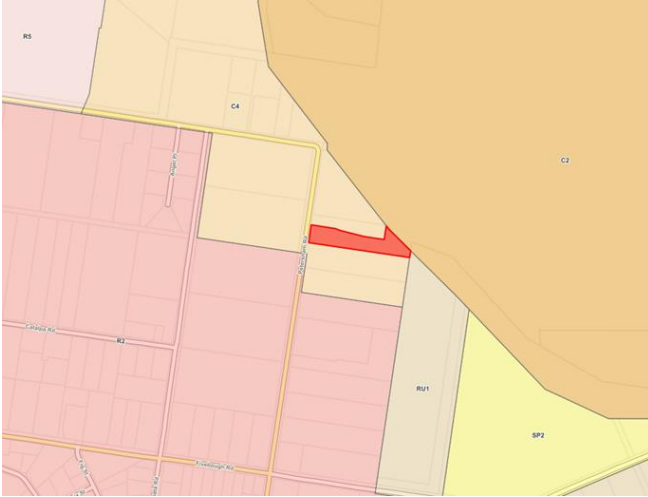
Prior to the subdivision occurring, a dual occupancy was created on Lot 2 DP 787452 (DA36/2005 Determined 1.4.2005). After the registration of the subdivision of Lot 2 DP 787452 on 6 February 2020, the dwelling constructed under DA36/2005 was then located on Lot 1 DP 1260698 and became known as 344 Petersham Road.

(b) Discussion

An assessment of the development application has been completed, pursuant to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The assessment report is available at (**Attachment 2**).

Land use zoning

The subject site is zoned C4 Environmental Living as shown on the Land Zoning Map - 4750_COM_LZN_014E_010_20210420 referenced in the Leeton Local Environmental Plan 2014 (LLEP 2014).



Objectives of C4 Environmental Living zone

The proposed development is considered to be satisfactory in regard to the objectives of the C4 Environmental Living zone:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

It is noted that the LLEP 2014 does not define “low-impact residential development”.

The term “low-impact residential development” is considered to be best informed by the residential uses that are permitted and prohibited in the Land Use Table under the group term “residential accommodation” (refer below), that is defined in the dictionary of the LLEP 2014. It should be noted that the prohibited uses referred to in the Land Use Table have been struck through.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- ~~(a) attached dwellings,~~
 - ~~(b) boarding houses,~~
 - ~~(baa) co-living housing,~~
 - ~~(c) dual occupancies,~~
 - ~~(d) dwelling houses,~~
 - ~~(e) group homes,~~
 - ~~(f) hostels,~~
 - ~~(g) multi dwelling housing,~~
 - ~~(h) residential flat buildings,~~
 - ~~(i) rural workers' dwellings,~~
 - ~~(j) secondary dwellings,~~
 - ~~(k) semi-detached dwellings,~~
 - ~~(l) seniors housing,~~
 - ~~(m) shop top housing,~~
- but does not include tourist and visitor accommodation or caravan parks.

The term "low-impact residential development" is considered to refer to the permissible types of residential accommodation - co-living housing, dual occupancies, dwelling houses and secondary dwellings.

Similarly, the LLEP 2014 does not specify the particular characteristics that define the subject land as having special ecological, scientific or aesthetic values. Other than its vicinity to Fivebough Wetland, it is difficult to ascertain that those values exist.

Permissibility

Dwelling houses are permitted with consent in the C4 Environmental Living zone.

The proposed detached shed and horse stable are also permissible, as they are considered to be an ancillary use that is associated with the dwelling house.

LLEP 2014 Clauses

4.3 Height of buildings

The maximum building height for the subject site is 8.5 metres.

Both proposed buildings do not exceed 8.5m in height (shed 5.8m & stable 4.5m).

4.4 Floor space ratio

The maximum floor space ratio (FSR) for the subject site is 0.25.

The FSR of the proposed development (0.06) does not exceed the prescribed FSR (0.25).

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

The proposed development is not considered likely to have a significant impact on or to be incompatible with those land uses in the vicinity of the development.

5.21 Flood planning

The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.

6.1 Earthworks

The proposed development is considered to be satisfactory in regard to the objectives for earthworks.

6.4 Groundwater vulnerability

The impacts of the proposed development on groundwater is considered to be satisfactory.

6.12 Essential services

Satisfactory arrangements can be made for the provision of the listed essential services for the proposed development.

Clearing of Vegetation

Consideration of the *Biodiversity Conservation Act 2016 (BC Act)* has been made under the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979 (EPAA)* with regard to the assessment of any relevant development control plan (Leeton Comprehensive Development Control Plan 2022). Please refer to Part 4.02(c) of the assessment report (**Attachment 2**).

The property owner has removed trees which are considered to be native vegetation. However, the Biodiversity Offsets Scheme (BOS) area clearing threshold (2,500m²) was not exceeded. Exceeding the BOS threshold would have triggered a different assessment pathway, requiring the submission of a Biodiversity Development Assessment Report (BDAR) prepared by an accredited assessor.

The clearing of the vegetation is considered to be ancillary to the carrying out of other development and is required to be assessed under the provisions of Section 4.15 of the EPAA.

The subject site does not include threatened species or ecological communities listed in the schedules referred to in the *BC Act*. As such, the proposed development is not considered likely to significantly affect threatened species or ecological communities.

It should be noted that the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* is not considered to be applicable as the Leeton Development Control Plan 2022 does not make a declaration of vegetation to which the SEPP applies.

Submissions

The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

Three (3) submissions (**Attachment 3**) were received during the notification period. The applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development. Subsequently, the applicant submitted a response to the submissions and an amended proposal (**Attachment 4**).

The amended Development Application was placed on public exhibition for a period of fourteen (14) days during which time adjoining landowners were notified of the proposed development.

Three (3) further submissions (**Attachment 5**) were received from the original submitters opposing the development.

The submissions raised the following matters (in bold):

LLEP 2014 zone objectives

Assessing Officer's Comments: The proposed development is considered to be consistent with the objectives of the LLEP 2014.

LLEP 2014 clauses

Assessing Officer's Comments: The proposed development is considered to be satisfactory in regard to the relevant clauses of the LLEP 2014.

Visual impact

Views to wetlands

Assessing Officer's Comments: A views analysis, based on the Planning Principle created by the NSW Land and Environment Court, was carried out and is available in the appendices of the assessment report (**Attachment 2**). The assessment of the application concluded that the proposal achieves the objective of sharing views while not restricting the reasonable development potential of the site.

Bulk and scale

Assessing Officer's Comments: It is considered that the bulk and scale of the proposed development will not result in a significant loss of amenity to neighbouring premises.

The maximum building height for the subject site referenced in Clause 4.3 of the LLEP 2014 is 8.5 metres. Both buildings do not exceed 8.5m in height (shed 5.8m & stable 4.5m).

The maximum floor space ratio (FSR) for the subject site referenced in Clause 4.4 of the LLEP 2014 is 0.25. The FSR of the proposed development (0.06) does not exceed the prescribed FSR (0.25).

It is noted that there are no development controls relating to development within the C4 zone, other than Part J (parking and access) and Part L (Biodiversity Management).

Compliance with Part 6.2 of DCP

Assessing Officer's Comments: Part D6, relating to ancillary development such as sheds, is not applicable as the subject land is zoned C4 Environmental Living (refer below extract from the DCP).

Where development consent is required, Part D.6 applies to the following types of development where they are not exempt development:

- 1. Ancillary Development*
- 2. Swimming Pools*
- 3. Fencing*

Part D.6 applies to any of the following zones under Leeton Local Environmental Plan 2014:

- 1. R1 General Residential*
- 1. R2 Low Density Residential*
- 2. R3 Medium Density Residential*
- 3. R5 Large Lot Residential*
- 4. RU5 Village*

It is considered inappropriate to require the proposed development to meet the provisions of Part D6. However, an assessment has been made in order to identify the level of compliance with those standards (refer appendices of the assessment report - **Attachment 2**).

It is noted that there are 16 development standards in Part D6.2, relating to detached ancillary structures. Four of the standards are not applicable to the proposed shed, whilst ten of the standards are complied with. A variation to the following two standards would be required.

D6.2(e) Building design & appearance

The height of the proposed shed (5.8m) exceeds the maximum height (4.5m) for ancillary buildings.

D6.2(m) Gross floor area

The gross floor area (6%), which includes the existing and proposed buildings on the site, is significantly less than the maximum (55%). However, the size of the proposed shed (360m²) exceeds the maximum size (150m²) per building.

The non-compliances are considered to be reasonable and do not generate any significant impacts.

Impact on the fauna & flora
Removal of trees
Impacts on native wildlife
Destruction of habitat

Assessing Officer's Comments: Consideration of the *Biodiversity Conservation Act 2016 (BC Act)* has been made under the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979 (EPAA)* with regard to the assessment of any relevant development control plan (Leeton Comprehensive Development Control Plan 2022). Please refer to Part 4.02(c) of the assessment report (**Attachment 2**).

The property owner has removed trees which are considered to be native vegetation, but the Biodiversity Offsets Scheme area clearing threshold was not exceeded.

The subject site does not include threatened species or ecological communities listed in the schedules referred to in the *Biodiversity Conservation Act*. As such, the proposed development is not considered likely to significantly affect threatened species or ecological communities.

It should be noted that the State Environmental Planning Policy (Biodiversity and Conservation) 2021 is not considered to be applicable as the Leeton Development Control Plan 2022 does not make a declaration of vegetation to which the SEPP applies.

Privacy

Assessing Officer's Comments: An assessment of the application concluded that the proposal maintains adequate visual and acoustic privacy to adjacent dwellings, particularly in respect of private open spaces and windows of habitable rooms.

Amenity

Assessing Officer's Comments: An assessment of the application concluded that the proposed development is not detrimental to the amenity currently enjoyed by the occupants of adjacent properties.

Traffic impacts – noise & light

Assessing Officer's Comments: The use of the proposed development is considered to potentially generate noise and light impacts that will be consistent with the use of this type of property.

Use of shed as a residence Future dwelling

Assessing Officer's Comments: The development application does not seek consent for anything other than the construction of a detached shed and relocation of the existing horse stable. However, the statement of environmental effects mentions "*.....future development of a dwelling (creating a dual occupancy) at the eastern end of the site.*"

Dual occupancies are permitted with consent under the Leeton Local Environmental Plan 2014 in the C4 Environmental Living land use zone. That is, dual occupancies are permitted, subject to the assessment and approval of a development application.

Subdivision

Assessing Officer's Comments: Subdivision is not included in the development application.

Subdivision is permitted with consent, subject to the assessment of a development application, under the Leeton Local Environmental Plan 2014. Clause 4.1 prescribes the minimum subdivision lot size that is applicable to the subject land.

On-site sewage management

Assessing Officer's Comments: The disposal and management of effluent is proposed by installing an on-site sewage management system. The applicant has submitted a land capability assessment that confirms that the subject site is suitable for the on-site disposal of effluent.

A condition has been included in the consent regarding on-site sewer management:

On-site Sewer Management

A separate application under Section 68 of the Local Government Act 1993 shall be submitted to Council and approval obtained prior to the installation of the on-site sewer management system. The application shall be submitted through the NSW Planning Portal, with the relevant fees being paid.

Stormwater drainage
Runoff impacts on grazing animals

Assessing Officer's Comments: Stormwater drainage is required to be managed effectively on the site. The proposed development is considered to satisfy the development controls listed in the Leeton Development Control Plan 2022.

A condition has been included in the consent regarding stormwater drainage;

Stormwater drainage

The stormwater drainage system must be constructed to comply with the following requirements as a minimum:

- a. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.*
- b. All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.*
- c. Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.*
- d. All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.*
- e. Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.*

Impacts (visual, noise) for visitors to the wetlands

Assessing Officer's Comments: Visitors to the wetlands are not considered to be affected by the proposed development.

Notification to external agencies

Assessing Officer's Comments: The nature, scale and likely impact of the proposed development was considered to warrant public notification in accordance with the provisions of Part 2 of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

Loss in value of land

Assessing Officer's Comments: The potential future economic loss, due to the impacts generated by the proposed development, is not considered to be a relevant matter in the assessment of the development application. The potential effects on property values are not easily quantifiable as they are subject to market forces and a wide range of other factors.

1995 agreement for location of stables.

Precedence re location of sheds

Assessing Officer's Comments: It is acknowledged that the existing location of the horse stable was the result of negotiation between 332 Petersham and the previous owners of 336 Petersham. However, there appears to be no formal legal agreement or covenant on the property title regarding the location of the horse stable or any other structures.

Details in DA

Assessing Officer's Comments: The applicant was requested to provide additional information in regard to numerous matters including inaccuracies; omissions and errors in the statement of environmental effects; details of the proposed onsite sewage management system and landscaping; and an updated cost summary report.

Options for location of stable

Assessing Officer's Comments: The applicant was requested to submit a response to the concerns raised in the submissions and to consider amending the proposed development in order to address those concerns.

In response, the applicant submitted amended plans showing two options for the relocation of the existing horse stable. Either of those options are considered to be reasonable.

Proposed landscaping

Assessing Officer's Comments: The applicant was requested to submit a response to the concerns raised in the submissions and to consider amending the proposed development in order to address those concerns.

In response, the applicant submitted amended plans indicating landscape screening along the boundaries. These measures are considered to be sufficient to provide a reasonable level of privacy and to address the visual impact suggested by the neighbours.

(c) Options

THAT Council:

1. Approves the application with recommended conditions. ***This is the recommended option.***
2. Approves the application with additional and/or amended conditions.
3. Refuses the application. ***Reasons for the refusal will need to be specified.***

IMPLICATIONS TO BE ADDRESSED

(a) Financial

There are no adverse financial implications for Council through adopting the recommendation. If the application were to be refused, legal costs may be incurred should proceedings be commenced in the Land and Environment Court.

(b) Policy

The application has been notified and assessed in accordance with the following policies;

Leeton Development Control Plan 2022
Leeton Shire Council Community Engagement Strategy 2022 - 2025
Leeton Shire Council Development Application Objections Policy.
Onsite Sewage Management Policy
Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12)

(c) Legislative/Statutory

The application has been assessed in accordance with the following statutory documents;

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
Leeton Local Environmental Plan 2014
Biodiversity Conservation Act 2016
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021

(d) Risk

The development application has been assessed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

There is not considered to be any undue risks associated with Council determining to adopt the recommendation. If the application were to be refused, proceedings may be commenced in the Land and Environment Court. Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, the proponent has the right to appeal to the Land and Environment Court within 6 months after the date on which they receive the notice of determination.

It is noted that staff involved in the assessment of the development application have declared that they do not have any conflicts of interest.

CONSULTATION

(a) External

The application was placed on public notification. This included notifying adjoining landowners.

(b) Internal

General Manager
Director Economic and Community Development

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

DELIVERY PROGRAM

5. Planning, Building and Public Health

5.2 Provide helpful, friendly and timely planning and building assessment services for development application, including development approvals (DAs); construction certificates (CCs), occupation certificates (OCs), planning certificates (PCs) and complying development certificates (CDCs) in compliance with the environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021)

OPERATIONAL PLAN

5. Planning Building and Health

5.2 Provide timely planning and building assessment services

5.2.1 Provide timely, accurate and professional development services to the Shire

ATTACHMENTS

1. Attachment 1 - Development Application Documents - DA49-2024 [**8.1.2.1** - 18 pages]
2. Attachment 2 - Assessment Report - DA49-2024 [**8.1.2.2** - 63 pages]
3. Attachment 3 - Submissions - DA49-2024 [**8.1.2.3** - 14 pages]
4. Attachment 4 - Response to Submissions - C & N Deaton - DA49-2024 [**8.1.2.4** - 5 pages]
5. Attachment 5 - Submissions Renotification - DA49-2024 [**8.1.2.5** - 11 pages]

CLEARSKY
ENVIRONMENTAL SERVICES

ABN: 42 605 228 147

Further amended 17 July 2024

Statement of Environmental Effects



Construction of a detached shed and relocation of a horse stable
336 Petersham Road
Leeton NSW 2705

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1. INTRODUCTION

2

This statement of environmental effects has been prepared to support a development application to construct a shed and relocate a horse stable at 336 Petersham Road Leeton NSW. The proposal has been designed to achieve the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Leeton Local Environment Plan 2014.

The statement has been prepared based on drawings by Nigel Deaton and is submitted for and on behalf of Nigel and Claire Deaton.



Street view Image of 336 Petersham Road Leeton (Source: Google Maps)

2. SITE DESCRIPTION AND ANALYSIS

3

2.1 Location and property description

The development site is Lot 2 Deposited Plan 1260698 known as 336 Petersham Road Leeton New South Wales. The site is located 2km north of the Leeton CBD and is zoned C4 Environmental Living in the Leeton Local Environmental Plan 2014.



Site location (Source: LPI Six Maps)

2.2 Site characteristics

The site is flat, irregular in shape and 9120m² in area. The site has a dwelling and detached garage at the front western end of the site and a stable behind the garage. The remainder of the site is undeveloped with some scattered trees and Petersham Road provides access to the site.

2. SITE DESCRIPTION AND ANALYSIS

4

2.3 Surrounding development

The development immediately surrounding the site is characterised by large lot residential accommodation and public open space to the east.



Development surrounding 336 Petersham Road Leeton (Source: Google Maps)

3. DETAILS OF PROPOSAL

5

The development is the proposed construction of a detached shed and relocation of an existing horse stable at 336 Petersham Road Leeton

The steel portal frame shed will be constructed on a concrete slab, be colorbond clad, rectangular in shape 12m x 30m with a gable roof at a peak height of 5.766m. The shed will have 6 bays with an open bay on the western end and the other 5 bays enclosed with an open floor plan excepting for a bathroom in the north eastern corner and Roller doors for access on the eastern and western end walls.

The ongoing use of the shed will be to store an Isuzu NPS truck, 24ft caravan, Quintrex 4.3m top ender fishing boat, horse float, feed room for horses, motorbikes and overflow that cannot fit in the current small shed. The property does not have an additional garage therefore the small shed is required to be used as one for the second vehicle. It is important to note that the truck and caravan require a 4m clearance on the roller door opening hence the walls of the shed will stand at 4.5m with a 4m opening and 500mm for the drum of the roller door. The pitch of the shed is the general minimum fall at 11 degrees. Therefore, the peak of the shed will be 5.7m. The bathroom in the shed is to allow for it to be used for salami days, special family gatherings and a play space for children when the weather is too hot or cold.

The colour of the shed, Monolith has been intentionally selected to blend in with existing surroundings and mitigate visual impact. It's deep grey works with an array of natural textures and harmonises with the environment. It is the same colour selection as the picnic area shelter within the wetlands.

The relocated stable is square in shape 8m x 8m with a gable roof at a peak height of 4.5m. The stable has four 'rooms' - 2 stabling rooms, a tack room and a grooming room. Its ongoing use will be as a stable for horse accommodation. The proposed relocation of the stables will allow for it to be split into two separate yards for the two horses which reside on the property. A fence line will be established between each stable to split the structure in two. This is necessary for when the mares are foaling down and to separate the mares and the foals later. The stables too will be painted or resheeted in Monolith and a landscape plan is being developed to plant mixed species native trees

3. DETAILS OF PROPOSAL

6

along with a variety of shrubs and low lying native grasses that will screen both structures, light and sound from neighboring properties this spring.

Tree removal

One 6 metre yellowbox tree on the eastern side (which was confirmed as 'regrowth' planted by the land owner prior to 2004) was removed as it was damaging a fence. Three 5-6 metre yellowbox trees (land owners from 2004-2019 have confirmed the saplings emerged after they purchased the property and they watered them to enhance shade for their horses) were removed centrally from the site to permit access to the proposed shed and the shed itself.

3.2 Services

Sewage

The development does require connection to a new on-site sewage management system at the site and a Section 68 application will be made prior to construction. There are no additional occupants using the site as a result of this development.

Electricity, water and gas supply and communications

Services are existing at the site and internal connections will be established during construction.

4. MATTERS FOR CONSIDERATION

7

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

4.1 State Environmental Planning Policies (SEPP's)

SEPP	Title	Compliance	Comment
SEPP	(Biodiversity and Conservation) 2021	Not applicable	No trees are being sought to be removed and the SEPP is not applicable to this DA. The 4 trees already removed were lawfully removed under exemptions provided by Part 2.5 of the SEPP. The SEPP permits clearing without approval to maintain and construct infrastructure in C4 zoned areas. The land owners have committed to address any adverse aesthetic impact from the removal of the 4 trees by offsetting the removed trees replacement native species around the boundary of the site.
SEPP	(Exempt and Complying Development Codes) 2018	Not applicable	
SEPP	(Housing) 2021	Not applicable	
SEPP	(Industry and Employment) 2021	Not applicable	
SEPP	(Planning Systems) 2021	Not applicable	
SEPP	(Precincts-Central River) 2021	Not applicable	
SEPP	(Precincts-Eastern Harbour City) 2021	Not applicable	
SEPP	(Precincts-Regional) 2021	Not applicable	
SEPP	(Precincts-Western Parkland) 2021	Not applicable	
SEPP	(Primary Production) 2021	Not applicable	
SEPP	(Resilience and Hazards) 2021	Not applicable	
SEPP	(Sustainable Buildings) 2022	Not applicable	
SEPP	(Resources and Energy) 2021	Not applicable	
SEPP	(Transport and Infrastructure) 2021	Not applicable	

4. MATTERS FOR CONSIDERATION

8

4.2 Local Environmental Plan

Leeton Local Environmental Plan 2014

The subject site is zoned C4 – Environmental Living under the provisions of the Leeton Local Environmental Plan 2014. Stables and sheds ancillary to dwelling houses are permitted with development consent on land zoned C4.

4.3 Height of buildings

The shed and stable are <8.5m in height.

4.4 Floor space ratio

The cumulative floor space ratio for all existing and proposed buildings is <10% of the site area.

5.16 Subdivisions or dwellings in certain zones

The DA is not proposing a subdivision or a dwelling.

6.1 Earthworks

There are no earthworks proposed, minimal scraping is required for a shed's slab preparation.

6.4 Groundwater vulnerability

The site is identified in the LEP's mapping but this proposal has no potential to effect groundwater. A soil capability assessment for the awts has been uploaded to the portal.

6.12 Essential services

Services are existing at the site and internal connections can be established to the development.

4. MATTERS FOR CONSIDERATION

9

4.3 Development control plans (DCP's)

Leeton Council Comprehensive Development Control Plan 2022.

Criteria	Compliance	Comment
Part A Introduction	Noted	
Part B Design Guidelines	Complies	Design is consistent with residential outbuildings.
Part C Subdivision Development	N/A	
Part D Residential Development	N/A	Residential and ancillary development in C4 Environmental Living zoning is not captured by the DCP.
Part E to Part L	N/A	The site is not in a heritage conservation area.

5. OTHER CONSIDERATIONS

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5.1 Air quality

The proposed development has no potential for off-site dust generating activities during the construction stage and no mitigation measures are recommended.

5.2 Noise impacts

The construction works will generate noise impacts from vehicle movements and the use of power tools. The works will be limited to day time hours only.

5.3 Waste

Waste generated from the development construction works will be removed by contractors to facilities which can lawfully receive the waste.

5.4 Water quality & stormwater

Construction and the ongoing use will not impact water quality or stormwater flows.

5.5 Traffic

There will be a minor increase in vehicle movements during the development's construction. The proposed ongoing use will not change vehicle movements at the site.

5.6 Visual impacts

The development is at the rear of a large 1 hectare site and will have negligible visual impacts on the streetscape, particularly once the proposed landscaping is established. The horse stable is existing and is being moved further away from the nearest dwellings and the shed is 178m from the nearest dwelling and at 5.7m in height will not dominate or adversely effect the views of the nearest neighbours, particularly when the proposed landscaping is established.

5.7 Overshadowing and privacy

Based on design and location of the development the solar access and quality of private open space of the adjoining neighbours are unaffected by the development.

6. CONCLUSION

11

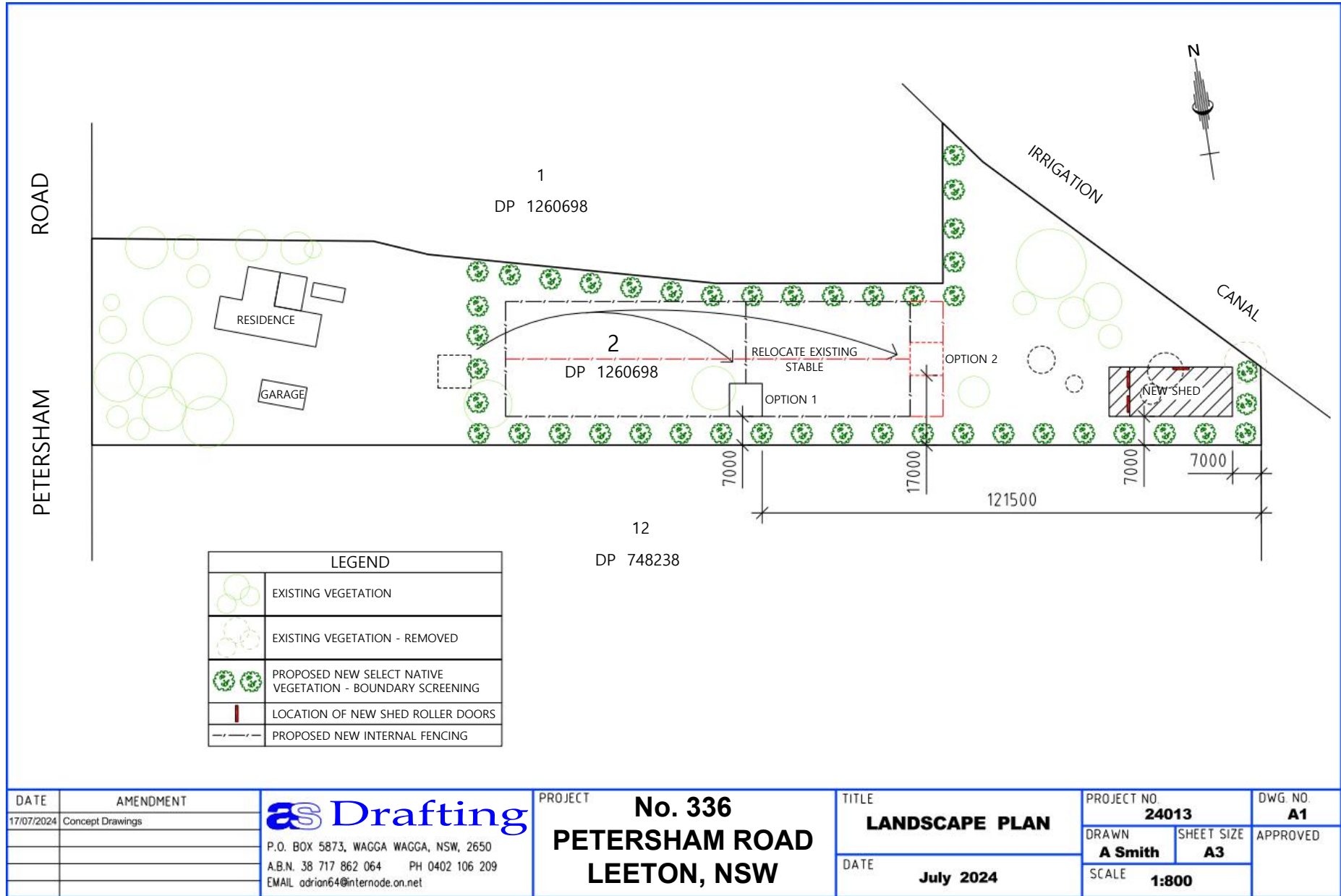
The proposed development meets the requirements of all the matters for consideration at Section 4.15 of the Environmental Planning and Assessment Act 1979 including the obligations of all the relevant environmental planning instruments that apply to the land. Outbuilding's are permitted development at the location and we seek approval from Leeton Shire Council as the consent authority for the proposed development.

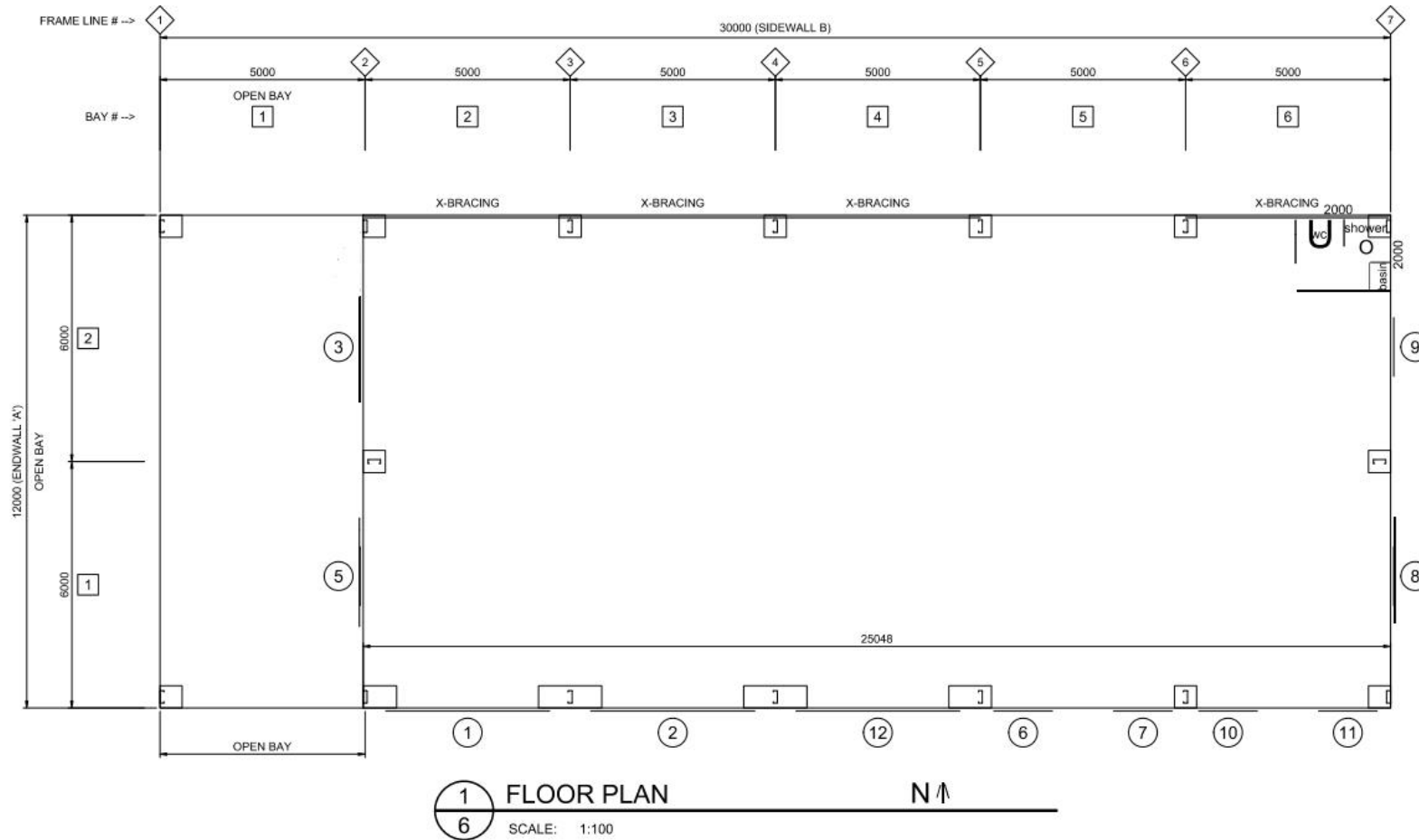
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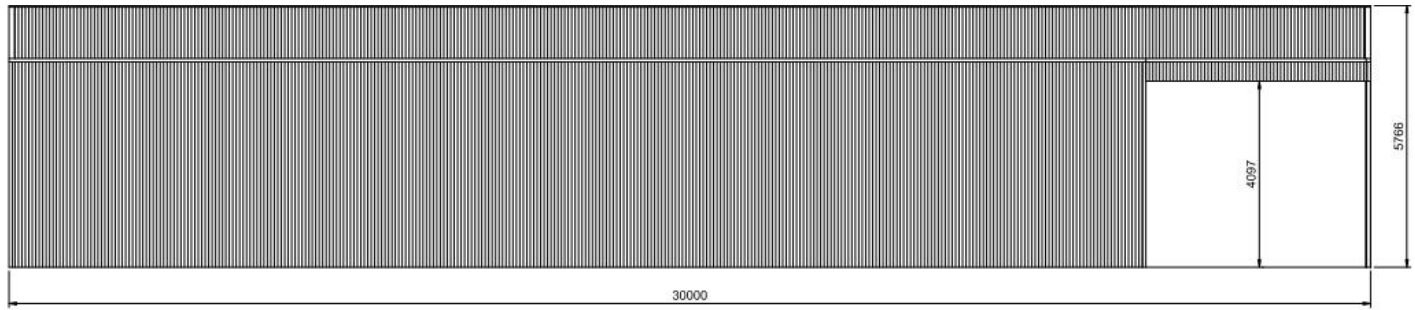
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Any representation, statement opinion, or advice expressed or implied in this statement of environmental effects is made in good faith on the basis that CSKY Services Pty Ltd agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to in this document.

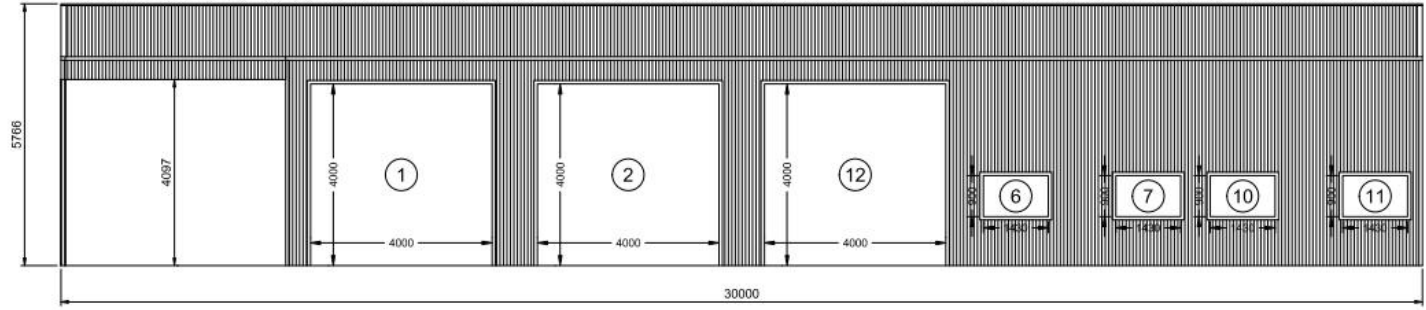




 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Board Member RPEng RPEng 15962 TSP PEN33976 (VIC)</p> <p>Signature:  Date: 30.11.2023</p>	<p>Customer Name: Jamie Stonehouse Site Address: 88 Black Hill Road Gisborne South, VIC, 3437</p>	<p>DATE 30-11-2023 JOB NO. 2894822998 SHEET 6 of 10</p>
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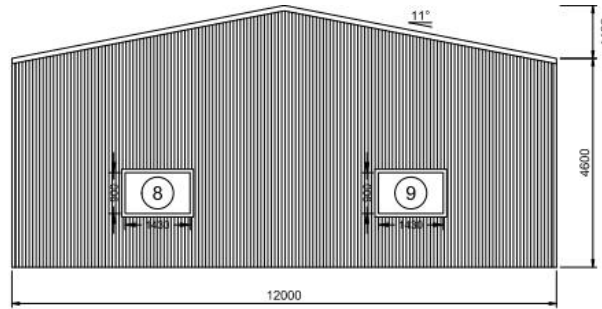


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 2 SCALE: 1:100

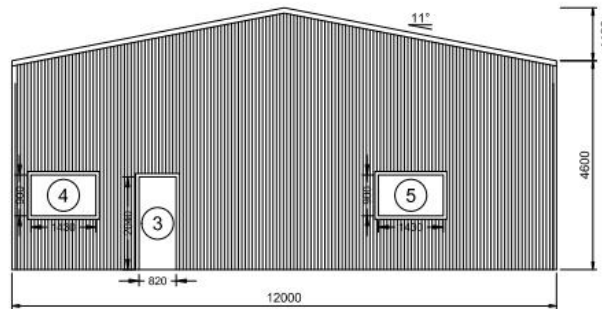


1 RIGHT ELEVATION
 2 SCALE: 1:100

 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Board Member RPEng RPREG 15562 TSP PER00976 (VIC)</p> <p>Signature:  Date: 30.11.2023</p>	<p>Customer Name: Jamie Stonehouse Site Address: 88 Black Hill Road Gisborne South, VIC, 3437</p>	<p>DATE 30-11-2023 JOB NO. 2894822998 SHEET 2 of 10</p>
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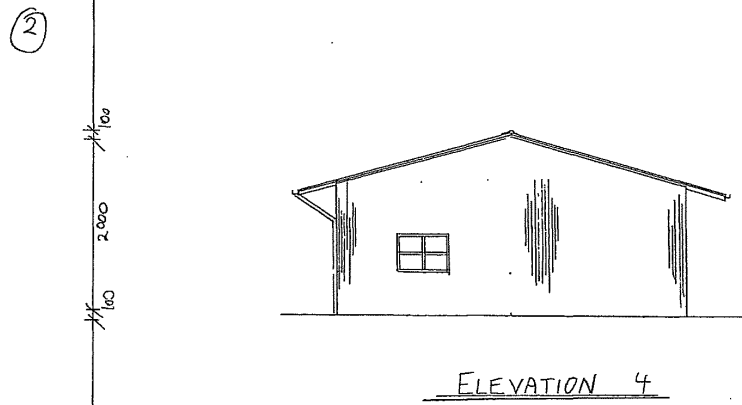
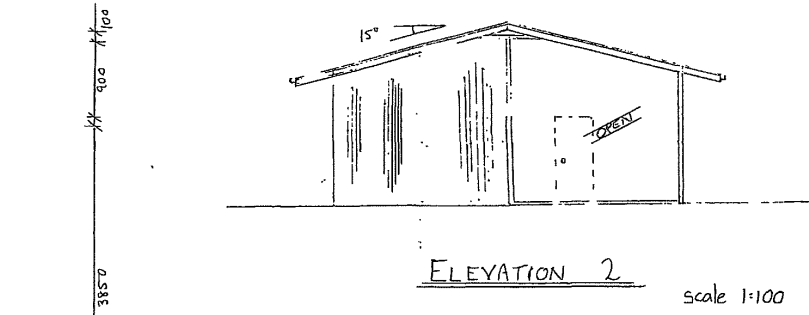
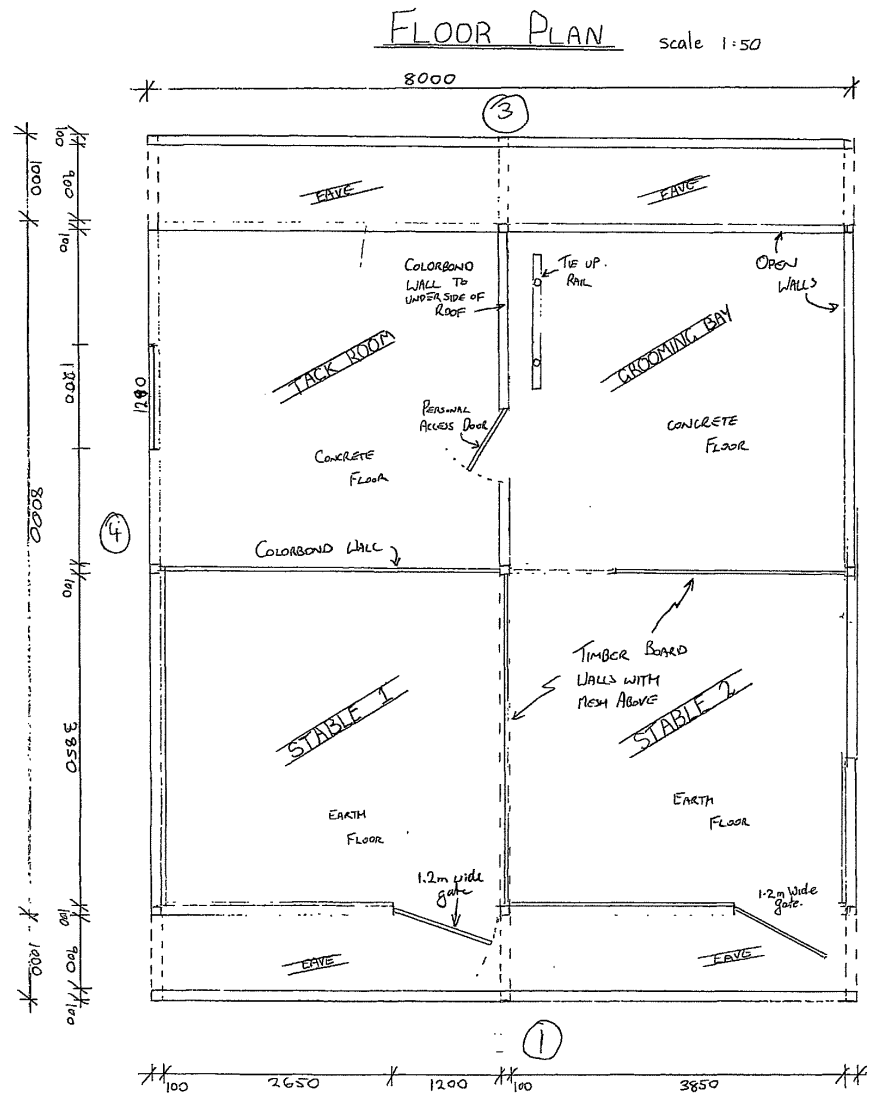


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 3 SCALE: 1:100 FRAME #7

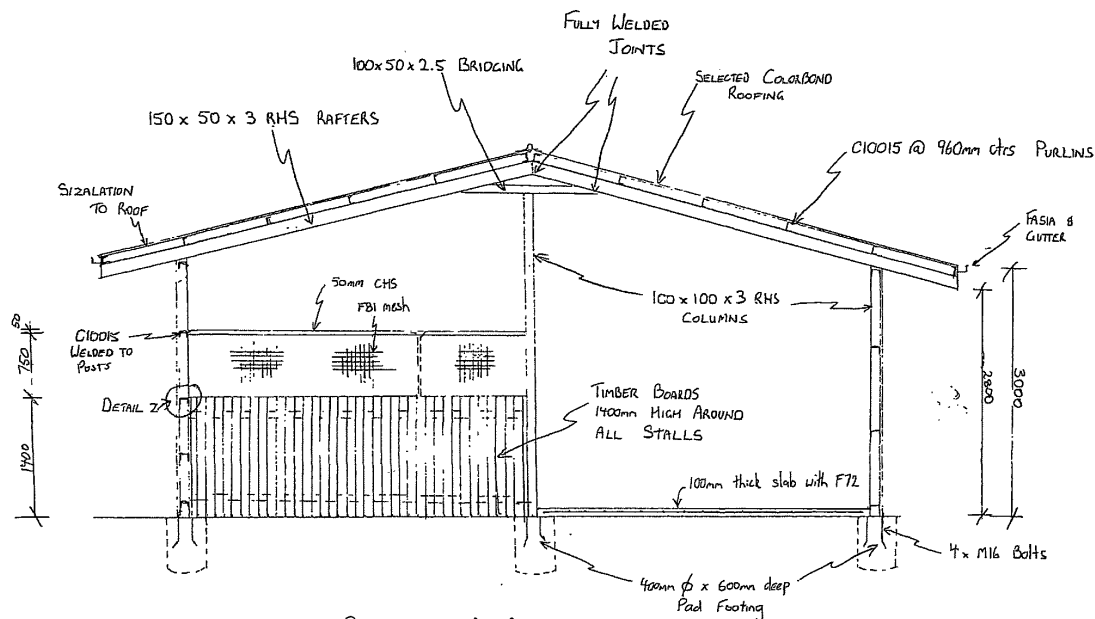


2 FRONT ELEVATION
 3 SCALE: 1:100 FRAME #2

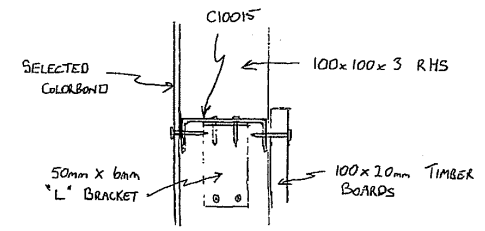
 <p>151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au</p>	<p>CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Board Reg'd Aust RP Eng RP/EG 15563 TSP PER/09/76 (VIC)</p> <p>Signature:  Date: 30.11.2023</p>	<p>Customer Name: Jamie Stonehouse Site Address: 88 Black Hill Road Gisborne South, VIC, 3437</p>	<p>DATE 30-11-2023 JOB NO. 2894822998 SHEET 3 of 10</p>
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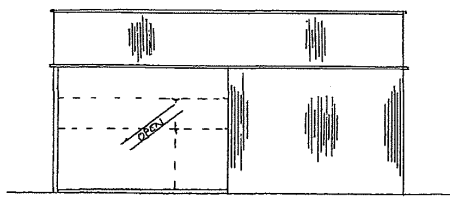
PROPOSED HORSE STABLES FOR G & J. NOLAN, FARM 1807 336, PETERSHAM RD, LEETON.	DRAWN BY BEN LANG
	15 SEPT 2005 SHEET 2 of 3



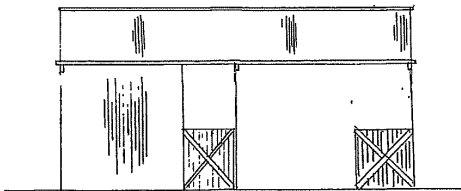
SECTION A-A scale 1:50



DETAIL Z scale 1:5



ELEVATION 3 scale 1:100



ELEVATION 1 scale 1:100

PROPOSED HORSE STABLES FOR G. & J. NOLAN, FARM 1827, 336 PETERSHAM RD, LEETON	DRAWN BY BEN LANG
	15 SEPT 2005 SHEET 3 of 3

DEVELOPMENT ASSESSMENT REPORT DA 49/2024

APPLICATION SUMMARY

Application No:	49/2024
Title Details:	Lot: 2 DP: 1260698
Address:	336 Petersham Rd, Leeton
Applicant:	Nigel Deaton c/- Clearsky Environmental Services 336 Petersham Rd Leeton NSW 2705
Owner:	N & C Deaton 336 Petersham Rd Leeton NSW 2705
Is this a Council related DA:	No
Has this DA been submitted by a Council Staff Member:	No
Has this DA been submitted by a Councillor:	No
Date Application Received:	17.5.2024
Site Area:	1.312 ha
Zoning:	C4 Environmental Living
Existing Use:	Residential
Proposed Development:	Detached shed & relocate existing stables

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 - c) Section 4.15(1)(a)(iii) – The provisions of any development control plan
Leeton Comprehensive Development Control Plan 2022
 - d) Section 4.15(1)(a)(iiia) – The provisions of 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
 - e) Section 4.15(1)(a)(iv) – The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
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DRAFT CONDITIONS OF CONSENT

DRAFT

1. INTRODUCTION

1.01 Description of Development

The applicant is seeking development consent for the construction of a detached shed and relocation of the existing horse stable at Lot 2 DP 1260698, 336 Petersham Rd, Leeton. Figure 1 illustrates the proposed development. It is noted that Figure 1 indicates the amended proposal received by Council on 2 July 2024. Figure 2 illustrates the original proposal that was submitted with the development application.

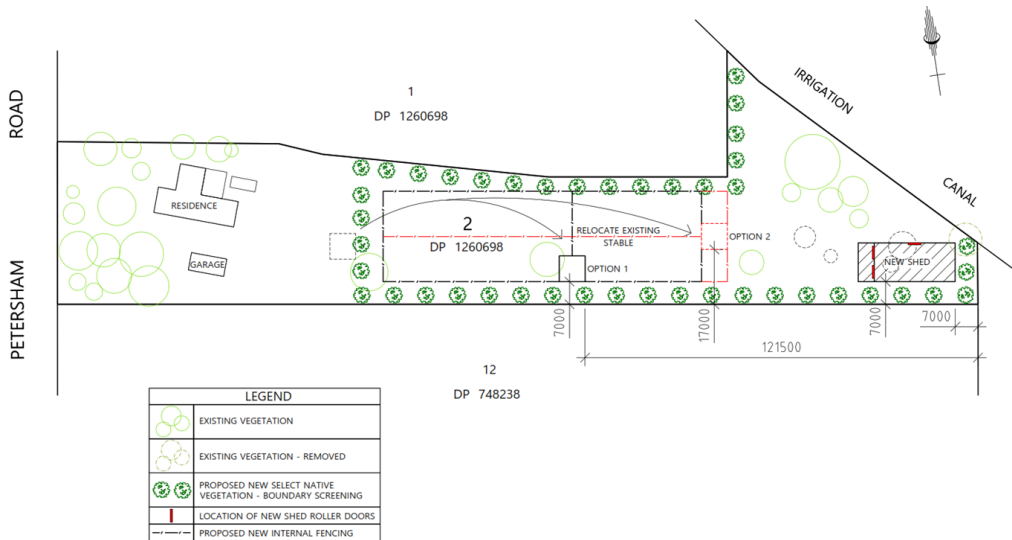


Figure 1: Proposed development



Figure 2: Original proposed development

1.02 The site and locality

The subject site is legally identified as Lot 2 DP 1260698 and is known as 336 Petersham Road, Leeton. Refer Figure 3 for a location map. The allotment was created by the subdivision of Lot 2 DP 787452 and was registered on 6 February 2020.

The subject site is an unusual shape with the rear section widening to adjoin the rear boundary of the neighbouring allotment (Lot 1 DP 1260698 344 Petersham Rd). It has a frontage to Petersham Road of 50.5m, maximum depth of 287.3m and an area of 1.312 hectares. There is an easement for water supply 6.035m wide along the front boundary and an easement for drainage 5.03m wide along the rear boundary.

The site is generally flat with a fall of approximately 600mm from the front to the rear boundary.

Vehicular access is available from the Petersham Road carriageway.

Reticulated water supply, electricity and telecommunications are available to the site. Reticulated sewerage is not available and the existing dwelling has an on-site sewage management system for the treatment of effluent.

The properties adjoining the side boundaries are of a similar character to the subject site and contain single dwellings and detached sheds. To the east is an irrigation channel, Fivebough Wetland and a horticultural farm. To the west is the Petersham Road road reserve, beyond which are small rural holdings.



Figure-3: Site Location



Figure 4: Development site (from rear boundary)

1.03 Development History

Council records indicate that there are three development applications relating to the site.

DA33/1989 & BA62/1989 - Dwelling. Determined 9.5.1989.

DA 102/1999 - Awning. Determined 30.11.1998.

DA 202/2005 - Erection of shed. Determined 28.11.2005.

It is noted that the subject allotment (Lot 2 DP 1260698) was created by the subdivision of Lot 2 DP 787452. Prior to the subdivision occurring, a dual occupancy was created on Lot 2 DP 787452 under development application DA36/2005 (Determined 1.4.2005) and construction certificate CC108/2005 (Determined 6.7.2005). After the registration of the subdivision of Lot 2 DP 787452 (DA75/2019

Determined 14.8.2019) on 6 February 2020, the dwelling constructed under CC108/2005 was then located on Lot 1 DP 1260698 and became known as 344 Petersham Road.

No Pre-DA meeting has been submitted for a development similar to this current application.

2. NOTIFICATION / COMMUNITY CONSULTATION

The nature, scale and likely impact of the proposed development was considered to warrant public notification in accordance with the provisions of Part 2 (below) of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

The Development Application was placed on public exhibition for a period of 14 days during which time adjoining landowners were notified of the proposed development.

Three (3) submissions were received during the notification period.

The applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development.

Subsequently, the applicant provided a response to the submissions and an amended proposal.

The amended Development Application was placed on public exhibition for a period of 14 days during which time adjoining landowners were notified of the proposed development.

Three (3) further submissions were received from the original submitters opposing the development.

An assessment of the submissions has been made, as required under Section 4.15(d) (*any submissions made in accordance with the Act or the regulations*) of the Environmental Planning and Assessment Act 1979. Please refer to Part 4.02(h) of the report.

Leeton Shire Council Community Engagement Strategy 2022 – 2025

Part 2 - Community Participation Plan

The Community Participation Process

Minimum Notification Timeframes and Advertising Requirements

For other developments, as a matter of course Council will typically notify and/or advertise Development Applications as described in the table below:

TYPE OF DEVELOPMENT APPLICATION (DA)	ADVERTISING TIMEFRAMES FOR DAs	METHOD
<p>Notification to all landowners considered by the Manager Planning, Building and Health to be impacted* by the Development Application.</p> <p>* Impacts may include:</p> <ul style="list-style-type: none"> the views to and from the land; overshadowing; privacy; noise or odour; the visual quality of the development in relation to the streetscape; the scale or bulk of the proposed development; the siting of the proposed development in relation to site boundaries; the proposed hours of use for the development; light spillage or reflection; means of access to or provision of parking on the proposed development site; the amount of traffic likely to be generated by the proposed development; drainage; and 	<p>14 days</p>	<ul style="list-style-type: none"> • Neighbour notification

<i>the social and economic impacts of the proposal</i>		
<p>Advertisement if deemed to be of public interest* by the Manager Planning, Building and Health.</p> <p>*A development application is generally deemed to be in the public interest if it may have environmental impacts that impact a broad section of the Leeton community.</p>	14 days	<ul style="list-style-type: none"> • Council website • Newspaper • Letter mail outs • Emails

Complying developments and other occasions where exhibition will not occur

Council *will not* publicly exhibit the following development applications:

- Single storey residential outbuildings and single storey residential additions and alterations that comply with the relevant height, floor space ratio, setback, and cut and fill requirements
- Subdivision of existing buildings (i.e., the subdivision of an existing dual occupancy etc)
- Changes from one commercial use to another, excluding changes for licensed premises
- Internal alterations to dwellings, commercial premises and industrial buildings
- Strata or community title subdivision of an approved development
- A modified application which is substantially the same as an application which has been previously notified.

Council *will not* publicly exhibit the following proposed modifications of development consent:

- Modification fixing minor error (i.e., wrong plan numbers, error in approval details etc).
- Modification involving minor environmental impact only where no public submission/s was received to the original development application.

Council *will not* publicly exhibit a review of a planning decision, except where a public submission/s was received to the original development application.

3. REFERRALS

3.01 Internal referrals:

The development application was not considered to require a referral to Council's Development Engineer.

3.02 External referrals

There were no external referrals considered to be required.

4. DEVELOPMENT ASSESSMENT

4.01 Environmental Planning and Assessment Act 1979 (EPAA)

Under the Environmental Planning and Assessment Act the development is classified as local development.

a) Section 1.7 EPAA – Part 7 Biodiversity Conservation Act 2016 (BC Act)

Consideration of the BC Act has been made under the provisions of Section 4.15(1)(a)(iii) of the EPAA with regard to the assessment of any relevant development control plan (Leeton Comprehensive Development Control Plan 2022). Refer Part 4.02(c) of this report.

The applicant has removed trees which are considered to be native vegetation, but the Biodiversity Offsets Scheme area clearing threshold (2,500m²) was not exceeded.

The subject site does not include threatened species or ecological communities listed in the schedules referred to in the Biodiversity Conservation Act. As such, the proposed development is not considered likely to significantly affect threatened species or ecological communities.

b) Section 1.7 EPAA - Part 7A of the Fisheries Management Act 1994

The development will not impact on the conservation of threatened species.

c) Section 4.14 EPAA – Consultation and development consent—certain bush fire prone land

The subject site is not considered to be bush fire prone land.

d) Division 4.11 Existing Use rights

The development application is not seeking consent based on existing use rights.

e) Section 7.12 EPAA Fixed Development Consent Levies

Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12) June 2023

2. Scope

This Plan applies to all land within the local government area of Leeton as shown in Schedule 1.

This Plan applies to applications for development consent and applications for complying development certificates under Part 7 Division 7.1 Subsection 3 of the Act.

Exemptions to the Contributions Plan.

Council will not authorise or impose a fixed levy in respect of development for the purpose of:

- disabled access,*
- providing affordable housing (including part of a development),*
- reducing a building's use of potable water (where supplied from water mains) or energy,*
- sole purpose of the adaptive reuse of an item of environmental heritage,*
- works undertaken for charitable purposes or by a registered charity,*
- Council-led developments.*

7.2 How will development contributions be calculated?

The development contribution will be calculated as follows:

Development contribution = A x B where:

A i. If the cost of works is ≤ \$100,000 is 0 (zero)

ii. If the cost of works is >\$100,001 but ≤ \$200,000 is 0.5% (half a percent)

iii. If the cost of works is >\$200,001 is 1% (one percent)

*B is the cost of the development**

** The cost of the development is determined in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021, which is included at Schedule 2 (as at the date of this Plan).*

The cost of the development is \$42,000.

The applicable development contribution = \$0

4.02 Matters for consideration pursuant to Section 4.15(1) of the EPAA

4.15 Evaluation

(1) Matters for consideration—general

In determining a development 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) Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

i) Leeton Local Environmental Plan 2014 (LLEP 2014)

LLEP 2014 Clause	Comments
<p>Part 1 Preliminary</p> <p>1.2 Aims of Plan</p> <p>(1) This Plan aims to make local environmental planning provisions for land in Leeton in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</p> <p>(2) The particular aims of this Plan are as follows—</p> <ul style="list-style-type: none"> (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) to encourage sustainable economic growth and development, (b) to preserve rural land for all forms of primary production, (c) to identify, protect, conserve and enhance Leeton’s natural assets, (d) to identify and protect Leeton’s built and cultural heritage assets for future generations, (e) to allow for the equitable provision of social services and facilities for the community, (f) to provide housing choices for the community, (g) to minimise land use conflicts and adverse environmental impacts, (h) to promote ecologically sustainable development. <p>1.3 Land to which Plan applies</p> <p>This Plan applies to the land identified on the Land Application Map.</p> <p>1.6 Consent authority</p> <p>The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<p>Noted.</p> <p>The proposed development is considered to be consistent with the aims of the LLEP 2014, particularly those specified in a, c, f, g and h.</p> <p>The subject site is located within the land identified on the Land Application Map.</p> <p>Leeton Shire Council is the consent authority.</p>

Part 2 Permitted or prohibited development

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the [Land Zoning Map](#).

2.3 Zone objectives and Land Use Table

- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The subject site is zoned C4 Environmental Living and is shown on the Land Zoning Map - 4750_COM_LZN_014E_010_20210420.

The proposed development is considered to be satisfactory in regard to the objectives of the C4 Environmental Living zone. It is noted that the LLEP 2014 does not define "low-impact residential development".

The term "low-impact residential development" is considered to be best informed by the uses that are permitted and prohibited in the Land Use Table under the group term "*residential accommodation*" (refer below), that is defined in the dictionary of the LLEP 2014. It should be noted that the prohibited uses referred to in the Land Use Table have been struck through.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- ~~(a) attached dwellings,~~
- ~~(b) boarding houses,~~
- ~~(baa) co-living housing,~~
- ~~(c) dual occupancies,~~
- ~~(d) dwelling houses,~~
- ~~(e) group homes,~~
- ~~(f) hostels,~~
- ~~(g) multi dwelling housing,~~
- ~~(h) residential flat buildings,~~
- ~~(i) rural workers' dwellings,~~
- ~~(j) secondary dwellings,~~
- ~~(k) semi-detached dwellings,~~
- ~~(l) seniors housing,~~
- ~~(m) shop top housing,~~

but does not include tourist and visitor accommodation or caravan parks.

The term "low-impact residential development" is considered to refer to the permissible types of residential accommodation - co-living housing, dual occupancies, dwelling houses and secondary dwellings.

Similarly, the LLEP 2014 does not specify the particular characteristics that define the subject land as having special ecological, scientific or aesthetic values. Other than its vicinity to Fivebough Wetland, it is difficult to ascertain that

Land Use Table

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Building identification signs; Business identification signs; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Home-based child care; Home businesses; Home industries; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Residential accommodation; Sewerage systems; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures; Water supply systems

4 Prohibited

Attached dwellings; Backpackers' accommodation; Biosolids treatment facilities; Boarding houses; Farm stay accommodation; Group homes; Hostels; Hotel or motel accommodation; Industries; Intensive livestock agriculture; Local distribution premises; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Shop top housing; Turf farming; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 4 Principal development standards

4.3 Height of buildings

- (1) The objectives of this clause are as follows—
- (a) to limit the height of buildings,
 - (b) to promote development that is compatible with the height of surrounding development and conforms to and reflects natural landforms by stepping development on sloping land to follow the natural gradient,
 - (c) to promote the retention and, if appropriate, sharing of existing views,
 - (d) to maintain solar access to new and existing dwellings and public places and to promote solar access to new buildings,
 - (e) to maintain privacy for residents of

those values exist.

Figure 5 shows the land use zoning of the subject site.

Dwelling houses are permitted with consent in the C4 Environmental Living zone.

The proposed detached shed and horse stable is considered to be an ancillary use that is subordinate to the dominant purpose of the dwelling house.

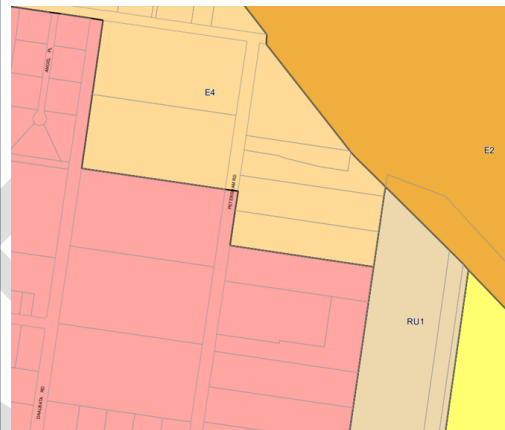


Figure 5: Land Use Zoning

Noted.

<p>existing dwellings and promote privacy for residents of new buildings.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>Complies.</p> <p>The maximum building height indicated on the <i>Height of Buildings Map</i> (Map 4750_COM_HOB_014E_010_20150723) = 8.5m.</p> <p>Both buildings do not exceed 8.5m in height (shed 5.8m & stable 4.5m).</p>
<p>4.4 Floor space ratio</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to identify maximum floor space ratios in those areas identified on the Floor Space Ratio Map,</p> <p>(b) to facilitate a variety of housing types,</p> <p>(c) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the locality,</p> <p>(d) to ensure that development is compatible with the existing and desired built form and character of the locality,</p> <p>(e) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>Noted.</p> <p>Complies. The maximum floor space ratio (FSR) indicated on the <i>Floor Space Ratio Map</i> (Map 4750_COM_FSR_014E_010_20150723) = 0.25. The FSR of the proposed development (0.06) does not exceed the prescribed FSR (0.25). Refer Appendix A for calculation of the FSR.</p>
<p>4.5 Calculation of floor space ratio and site area</p>	<p>Noted. Refer Appendix A.</p>
<p>4.6 Exceptions to development standards</p>	<p>Not applicable.</p>
<p>Part 5 Miscellaneous provisions</p>	
<p>5.10 Heritage conservation</p> <p>Note—</p> <p>Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the <i>Heritage Map</i> as well as being described in Schedule 5.</p>	<p>Not applicable.</p> <p>The subject site does not contain a heritage item nor is it within a heritage conservation area.</p> <p>A search was conducted through the Aboriginal Heritage Information Management System (AHIMS), which indicated for the location of the subject site that;</p> <ul style="list-style-type: none"> • No aboriginal sites are recorded, and • No aboriginal places have been declared
<p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</p>	<p>This clause is considered to be relevant as the proposed development is ancillary to the existing dwelling.</p>
<p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential</p>	<p>Noted.</p>

<p>land uses and other rural land uses).</p> <p>(2) This clause applies to land in the following zones—</p> <ul style="list-style-type: none"> (a) Zone RU1 Primary Production, (b) Zone RU2 Rural Landscape, (c) Zone RU3 Forestry, (d) Zone RU4 Primary Production Small Lots, (e) Zone RU6 Transition, (f) Zone R5 Large Lot Residential, (g) Zone C2 Environmental Conservation, (h) Zone C3 Environmental Management, (i) Zone C4 Environmental Living. <p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <ul style="list-style-type: none"> (a) subdivision of land proposed to be used for the purposes of a dwelling, (b) erection of a dwelling. <p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> (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). <p>5.21 Flood planning</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (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, 	<p>The subject site is within land that is zoned C4 Environmental Living.</p> <p>This clause is considered to be relevant as the proposed development is ancillary to the existing dwelling.</p> <p>The existing uses of land in the vicinity of the development include;</p> <ul style="list-style-type: none"> • Rural lifestyle activities, hobby farms and keeping of animals (adjoining land Petersham Rd). • Fivebough Wetlands • Horticultural farming <p>The existing land uses (refer (a)) in the vicinity of the development are likely to be those that are preferred and to be the predominant land uses. The proposed development is not considered likely to have a significant impact on those land uses.</p> <p>The proposed development is not considered likely to be incompatible with a use referred to in paragraph (a) or (b).</p> <p>Not applicable.</p> <p>Noted.</p>
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- (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.
- The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.
- The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.

Part 6 Additional local provisions

6.1 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items
- The proposed development is considered to be satisfactory in regard to the objectives for earthworks.

<p>or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	<p>Not applicable.</p>
<p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Note— The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with harming</p>	<p>Dictionary earthworks means excavation or filling. The earthworks are considered to be ancillary to the construction of the shed and stable, for which development consent is being sought. The proposed development will involve minor earthworks associated with the construction of the buildings and the provision of a vehicular access, driveway and utility services. Should consent be granted, it is recommended that standard conditions be applied to ensure suitable measures are implemented on-site to minimise impacts.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>Noted.</p> <p>Satisfactory.</p> <p>Noted.</p> <p>Not applicable. A search was conducted through the Aboriginal Heritage Information Management System (AHIMS), which indicated for the location of the subject site that;</p> <ul style="list-style-type: none"> • No aboriginal sites are recorded, and • No aboriginal places have been declared <p>Satisfactory.</p> <p>Satisfactory.</p>

Aboriginal objects.

6.3 Terrestrial biodiversity

Not applicable. The subject site is not land identified as "Biodiversity" on the Terrestrial Biodiversity Map - 4750_COM_BIO_014_040_20140131

6.4 Groundwater vulnerability

- (1) The objectives of this clause are as follows—
 - (a) to maintain the hydrological functions of key groundwater systems,
 - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.
- (2) This clause applies to land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—
 - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
 - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
 - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
 - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The subject site is land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map - 4750_COM_GRV_014_040_20140131

The proposed development is not considered likely to generate groundwater contamination.

The proposed development is not considered likely to generate any adverse impacts on groundwater dependent ecosystems.

The cumulative impact of the proposed development on groundwater is considered to be satisfactory.

Not applicable.

The proposed development is not considered likely to generate any adverse environmental impacts.

6.5 Riparian land and watercourses

Not applicable. The subject site is not land identified as "Riparian land" on the Riparian Lands and Watercourses Map - 4750_COM_CL1_014_040_20140502

6.6 Wetlands

Not applicable. The subject site is not land

<p>6.12 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>identified as “Wetland” on the Wetlands Map-4750_COM_CL1_014_040_20140502</p> <p>The provision of the listed services are considered to be essential for the proposed development.</p> <p>The supply of water is subject to adequate arrangements being made with Leeton Shire Council.</p> <p>The supply of electricity is subject to adequate arrangements being made with Essential Energy.</p> <p>The disposal and management of effluent is proposed by installing an on-site sewage management system. The applicant has submitted a land capability assessment that confirms that the subject site is suitable for the on-site disposal of effluent.</p> <p>Stormwater drainage associated with the proposed development can be managed on site or directed to the drainage channel at the rear of the property.</p> <p>Suitable vehicular access is available to the allotment from Petersham Road.</p>
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ii) State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Part 2.1 Preliminary

2.1 Aims of Chapter

The aims of this Chapter are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

2.2 Definitions

(1) In this Chapter—

Allowable Clearing Map means the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Allowable Clearing Map.

approval means an approval granted by the Native Vegetation Panel under Part 2.4.

biodiversity development assessment report—see section 6.12 of the Biodiversity Conservation

Noted.

Noted.

Act 2016.

biodiversity offsets scheme threshold means the biodiversity offsets scheme threshold referred to in section 7.4 of the Biodiversity Conservation Act 2016, except that, for the purposes of this Chapter, the threshold is to be determined without regard to clause 7.3 (4) of the Biodiversity Conservation Regulation 2017.

Note—

Section 7.3 (4) provides that the threshold is not exceeded merely because proposed development (other than subdivision) is to be carried out on a lot included on the Biodiversity Values Map if the lot was the result of a subdivision carried out before the commencement of that Act and the lot is within land zoned R1 to R4, RU5, B1 to B8 or IN1 to IN3.

biodiversity values—see section 1.5 of the Biodiversity Conservation Act 2016.

clear vegetation, includes—

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

landholder means a person who is the owner of land or who, whether by reason of ownership or otherwise, is in lawful occupation or possession, or has lawful management or control, of land.

native vegetation has the same meaning as in Part 5A of the Local Land Services Act 2013.

Native Vegetation Panel means the Native Vegetation Panel established under section 60ZE of the Local Land Services Act 2013.

non-rural areas of the State, means the land to which this Chapter applies.

permit means a permit issued by a council under Part 2.3.

private land, for Part 2.4—see section 2.25.

the Act means the Environmental Planning and Assessment Act 1979.

vegetation means a tree or other vegetation, whether or not it is native vegetation.

Note—

The Act and the Interpretation Act 1987 contain definitions and other provisions that affect the interpretation and application of this Chapter.

(2) Notes included in this Chapter do not form part of this Chapter.

2.3 Land to which Chapter applies

(1) This Chapter applies to the following areas of the State (the non-rural areas of the State)—

<p>(a) land in the following local government areas— Bayside, City of Blacktown, Burwood, Camden, City of Campbelltown, Canterbury-Bankstown, Canada Bay, Cumberland, City of Fairfield, Georges River, City of Hawkesbury, Hornsby, Hunter’s Hill, Georges River, Inner West, Ku-ring-gai, Lane Cove, City of Liverpool, Mosman, Newcastle, North Sydney, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, Rockdale, City of Ryde, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, City of Willoughby, Woollahra.</p>	<p>Not applicable.</p>
<p>(b) land within the following zones under an environmental planning instrument— Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone E1 Local Centre, Zone E2 Commercial Centre, Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone MU1 Mixed Use, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone SP4 Enterprise, Zone SP5 Metropolitan Centre, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone C2 Environmental Conservation, Zone C3 Environmental Management, Zone C4 Environmental Living, Zone W3 Working Waterways or Zone W4 Working Waterfront.</p>	<p>The subject land is zoned C4.</p>
<p>(2) This Chapter does not apply to national park estate and other conservation areas, or State forestry land, referred to in section 60A (b) and (c) of the <i>Local Land Services Act 2013</i>. However, this Chapter applies to land that is any such national park estate and other conservation area only because it is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i>.</p> <p>Note— Part 5A (Land management (native vegetation)) of the <i>Local Land Services Act 2013</i> does not apply to non-rural areas to which this Chapter applies.</p>	<p>Not applicable.</p>

2.4 Relationship to other planning instruments

(1) This Chapter does not affect the provisions of any other State Environmental Planning Policy or any provisions of a local environmental plan that are mandatory provisions under the Standard Instrument (Local Environmental Plans) Order 2006.

(2) This Chapter prevails to the extent of any inconsistency with any provisions of a local environmental plan that are not mandatory provisions under the Standard Instrument (Local Environmental Plans) Order 2006.

Note—

This Chapter does not affect authorisations under other Acts that are required to be obtained in connection with the clearing of vegetation.

Noted.

2.5 Maps

Part 2.2 Clearing vegetation in non-rural areas

2.6 Clearing that requires permit or approval

(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.

(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.

(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.

(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.

(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.

(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.

Noted.

The subject land is within a non-rural area of the State to which Part 2.3 applies. A permit was not granted by the council for the vegetation that was cleared by the applicant/owner.

Not applicable. The removal of the trees is considered to be "clearing" of "native vegetation". However, the clearing does not exceed the biodiversity offsets scheme threshold.

Not applicable. The subject site is not biodiversity certified land.

Noted.

Noted.

Noted.

2.7 Clearing that does not require permit or approval

(1) A permit or approval to clear vegetation is not required under this Chapter if it is clearing of a kind that is authorised under the Local Land Services Act 2013, section 60O or Part 5B.

(2) Despite the Local Land Services Act 2013, section 60O(a)(i) and (b)(i), subsection (1) does not

Section 60O of the Local Land Services Act 2013 relates to clearing authorised under other legislation, including a development consent under Part 4 of the Environmental Planning and Assessment Act 1979. Part 5B relates to private native forestry.

Not applicable. The proposed development is not exempt development or complying development.

<p>apply to clearing that is part of or ancillary to the carrying out of exempt development or complying development.</p>	
<p>(3) A permit or approval is not required under this Chapter for—</p>	
<p>(a) the removal of vegetation that the council is satisfied is a risk to human life or property, or</p>	<p>The vegetation that has been removed is not considered to have been a risk to human life or property.</p>
<p>(b) clearing for a traditional Aboriginal cultural activity, other than a commercial cultural activity.</p>	<p>Not applicable.</p>
<p>(4) A permit is not required under this Chapter for the removal of vegetation that the council is satisfied—</p>	<p>The vegetation that has been removed is not considered to have been dying or dead.</p>
<p>(a) is dying or dead, and</p>	<p>The vegetation that has been removed is not considered to be required as the habitat of native animals.</p>
<p>(b) is not required as the habitat of native animals.</p>	
<p>(5) An approval is not required under this Chapter for the removal of vegetation that the Native Vegetation Panel is satisfied—</p>	<p>Not applicable.</p>
<p>(a) is dying or dead, and</p>	
<p>(b) is not required as the habitat of native animals.</p>	
<p>Note—</p>	<p>Not applicable. The subject site is not considered to be primary production land in Zones C4.</p>
<p>See also Part 2.5, which sets out certain clearing that does not require a permit or approval under this Chapter if the clearing—</p>	
<p>(a) is carried out on certain primary production land in Zone R5, C2, C3 or C4, and</p>	
<p>(b) complies with the requirements of Part 2.5.</p>	
<p>2.8 Clearing permitted without development consent</p>	
<p>Clearing of vegetation in a non-rural area of the State is permitted without development consent if—</p>	
<p>(a) the clearing—</p>	
<p>(i) is not ancillary to the carrying out of other development, and</p>	<p>The clearing of the vegetation is considered to be ancillary to the carrying out of other development.</p>
<p>(ii) does not require a permit or approval, and</p>	<p>Statement of environmental effects (17.7.2024) <i>One 6 metre yellowbox tree on the eastern side (which was confirmed as 'regrowth' planted by the land owner prior to 2004) was removed as it was damaging a fence.</i></p>
<p>(iii) is not a heritage item or an Aboriginal object, or</p>	<p><i>Three 5-6 metre yellowbox trees (land owners from 2004-2019 have confirmed the saplings emerged after they purchased the property and they watered them to enhance shade for their horses) were removed centrally from the site to permit access to the proposed shed and the shed itself.</i></p>
<p>(iv) located in a heritage conservation area or</p>	<p>The clearing of the vegetation is considered to have required a permit or approval.</p>
<p>(b) the vegetation is not—</p>	
<p>(i) a heritage item or an Aboriginal object, or</p>	<p>Complies.</p>
<p>(ii) located in a heritage conservation area or</p>	<p>Complies.</p>

Aboriginal place of heritage significance.

Part 2.3 Council permits for clearing of vegetation in non-rural areas

2.9 Vegetation to which Part applies

(1) This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

The Leeton Development Control Plan 2022 does not declare vegetation to which this Part applies.

(2) A development control plan may make the declaration in any manner, including by reference to any of the following—

Not applicable.

- (a) the species of vegetation,
- (b) the size of vegetation,
- (c) the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone),
- (d) the presence of vegetation in an ecological community or in the habitat of a threatened species.

(3) This Part also applies to vegetation in a non-rural area of the State that, immediately before the commencement of this subsection, was—

(a) declared by a development control plan to be vegetation to which *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, Part 3 applies, or

Not applicable. The Leeton Development Control Plan 2022 does not declare vegetation to which Part 3 of that SEPP applies.

(b) prescribed by a development control plan under the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*, clause 5.9, as in force immediately before 25 August 2017.

Not applicable. Clause 5.9, relating to dwellings affected by natural disasters, was not adopted in the LLEP 2014.

2.10 Council may issue permit for clearing of vegetation

(1) A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State.

Not applicable. The Leeton Development Control Plan 2022 does not declare vegetation to which this Part applies (2.9(1)).

(2) A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.

Noted. The trees that were removed are considered to be native vegetation but the biodiversity offsets scheme threshold was not exceeded (refer Part 4.02(c) of this report).

(3) A permit under this Part cannot allow the clearing of vegetation—

Not applicable.

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the council is satisfied that the proposed activity—

- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and

(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

(4) A permit may be granted under this Part subject to any conditions specified in the permit.

Noted.

2.11 Miscellaneous provisions relating to permits

Noted.

(1) An application for a permit—

(a) is to be made in the form and manner required by the council, and

(b) is to be accompanied by the application fee (if any) determined by the council.

(2) The council may request an applicant for a permit to provide the council with such further information about the proposed clearing as the council considers necessary for its proper consideration of the application (including information about previous clearing of vegetation in the area or surrounding area).

(3) The council may deal with the application if the applicant notifies the council that the information will not be provided or if the information has not been provided within the period specified by the council or within such further period as the council may allow.

(4) The council is to determine an application for a permit within 28 days after the date on which the application was duly made.

(5) Any period after the applicant is requested by the council to provide further information to enable the application to be dealt with and until the information is provided (or the applicant notifies the council the information will not be provided) is not to be counted in calculating that 28-day period.

(6) An application for a permit that has not been determined is taken to have been refused after the expiration of that 28-day period.

(7) The council may grant or refuse to grant a permit even if the application is taken to have been refused under this section.

2.12 Appeal to Land and Environment Court

Noted.

Part 2.4 Approval of Native Vegetation Panel for clearing native vegetation in non-rural areas

Not applicable.

Part 2.5 Clearing of native vegetation on primary production land in Zones R5, C2, C3 and C4 that does not require permit or approval

Not applicable. The subject site is zoned C4 but it is not used for the purpose of primary production.

Chapter 3 Koala Habitat Protection 2020

Leeton Shire Council is identified in Schedule 2 as being a local government area to which Chapter 3 of the SEPP applies. However, the subject site is not within the prescribed land use zones (RU1, RU2 & RU3).

Chapter 4 Koala Habitat protection 2021

Leeton Shire Council is identified in Schedule 2 as being a local government area to which Chapter 4 of the SEPP applies. As such, Leeton Shire Council is in the koala management area of

	Far West Riverina.
	The subject site has an area of more than 1 hectare and does not have an approved koala plan of management applying to the land.
	It is considered that the proposed development is likely to have low or no impact on koalas or koala habitat.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable.
SEPP (Housing) 2021	Not applicable.
SEPP (Industry and Employment) 2021	Not applicable.
SEPP (Precincts—Regional) 2021	Not applicable.
SEPP (Primary Production) 2021	Not applicable.
SEPP (Resilience and Hazards) 2021	Not applicable.
Chapter 3 Hazardous and offensive development	Not applicable.
Chapter 4 Remediation of land	Leeton is identified as being land to which State Environmental Planning Policy (Resilience and Hazards) 2021 applies. Clause 4.6 of the SEPP stipulates that Council must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. The subject site is not listed on Council's contaminated land register. Whilst the proposed development is not considered to be a change of use, there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines. The site has been assessed as suitable for the construction of a shed and relocation of the existing horse stable. No further consideration of the SEPP is required.
SEPP (Resources and Energy) 2021	Not applicable.
SEPP (Sustainable Buildings) 2022	The proposed development is not BASIX Development as defined under the <i>Environmental Planning and Assessment Regulation 2021</i> . Accordingly, a BASIX Certificate was not required to be submitted with the Development Application.
SEPP (Transport and Infrastructure) 2021	
Chapter 2 Infrastructure	
Part 2.3 Development controls	
Division 5 Electricity transmission or distribution	
Subdivision 2 Development likely to affect an electricity transmission or distribution network	
Section 2.48 Determination of development applications—other development	Not applicable. The proposed development does not include development specified in Section

	2.48.
Division 15 Railways	
Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors— notification and other requirements	
Section 2.98 Development adjacent to rail corridors	Not applicable. The subject site is not adjacent to a rail corridor.
2.99 Excavation in, above, below or adjacent to rail corridors	Not applicable. The proposed development does not include excavation in, above, below or adjacent to rail corridors
2.100 Impact of rail noise or vibration on non-rail development	Not applicable. The subject site is not adjacent to a rail corridor.
Division 17 Roads and traffic	
Subdivision 2 Development in or adjacent to road corridors and road reservations	
Section 2.119 Development with frontage to classified road	Not applicable. The subject property does not have a frontage to a classified road.
Section 2.120 Impact of road noise or vibration on non-road development	Not applicable. The traffic volume data published on the website of the RTA indicates Petersham Road does not have AADT traffic volume of greater than 20,000 vehicles. The proposed development is not considered likely to be adversely affected by road noise or vibration.
Section 2.122 Traffic-generating development	Not applicable. The proposed development is not development specified in Column 1 of the Table to Schedule 3

iii) Regional Environmental Planning Policies (REPs)

Riverina Murray Regional Plan 2041

The proposed development is considered to be consistent with the relevant provisions of the RMRP 2041.

b) Section 4.15(1)(a)(ii) – The provisions of 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

No proposed instrument is or has been the subject of public consultation under the EPAA and has been notified to the consent authority (Leeton Shire Council).

c) Section 4.15(1)(a)(iii) – The provisions of any development control plan

Leeton Comprehensive Development Control Plan 2022

Part A INTRODUCTION

A.3 Aims and objectives

The broad aims of the plan are:

- a. To provide guidance at the Development Application (DA) stage of new development.
- b. To promote growth and development in the

The proposed development is consistent with the aims and objectives of this plan.

It is noted that there are no development controls relating to development within the C4 Environmental Living zone, other than Part J

- Leeton Local Government Area.
- c. To ensure growth and development occurs in a consistent, orderly and environmentally sustainable manner.
 - d. To ensure positive planning outcomes at individual sites are maximised for the benefit of the broader community.

A.9 Variation to standards

Council accepts that it is not possible to plan for all development scenarios and there will inevitably be situations where a development is not able to demonstrate compliance with one, or a number of standards in this plan. Where the plan sets a standard in relation to an aspect of a development, and a Development Application cannot demonstrate compliance with that standard, Council may still grant approval subject to a statement being submitted to Council that:

- a. Clearly identifies the standard(s) that cannot be complied with, and
- b. Clearly identifies why the standard(s) cannot be complied with, and
- c. Clearly explains why non-compliance with the standard(s) is warranted by special circumstances or to achieve a superior standard.

The requirements of Council's Community Participation Plan will prevail in terms of the advertisement / notification / consultation requirements for applications involving variations to the DCP.

A copy of the Community Participation Plan can be downloaded from the QR Code above.

Development Applications will be reported to a Council meeting for determination where significant variations to standards are proposed (i.e. more than 20% variation to standards). The process of reporting a Development Application to Council can lead to an increase in the time taken to finalise the determination of the Development Application. No guarantee of approval can be given for a Development Application proposing a variation to a planning standard.

Part J

PARKING AND ACCESS

Part J1 Car Parking Code

Part J1 provides introductory information for car parking and access associated with new development in the Leeton Shire Local Government Area.

J1.1 Application of Section

Section J.1 applies to:

- a. New floor space or buildings.
- b. Alterations or additions to any existing building that requires development consent, whether or not such additions or alterations involve a

(parking and access) and Part L (Biodiversity Management).

Nevertheless, an assessment of the proposed shed against the provisions of Part D6.2 has been made in order to identify the level of compliance with those standards (refer Appendix B).

Noted.

The proposed development is a new detached shed.

change in building use.

c. A change of use for which development consent is required, and that would require the provision of a greater number of on-site parking spaces than the previous use.

Off street parking provided to existing developments shall be retained. Additional parking spaces required for any new development, redevelopment or change of use shall be provided in accordance with the provisions of this part of the Plan. Certain types of development may qualify for car parking exemptions.

A development comprising a combination of two or more uses, such as combined motor sales and repairs, will be assessed as if the two uses exist independently.

More detailed examination of how car parking rates apply to development is contained in Section J.1.5.

J1.2 Objectives

Noted.

J1.3 Application of Standards and Guidelines

Noted.

J1.4 Definitions

Noted.

J1.5 Off street parking calculations

Objective

Noted.

To provide guidance on appropriate car parking rates to service new development types in the Leeton Shire Local Government Area.

Standards

- a. Car parking will generally be required to be provided on the site of the development at rates in accordance with Tables 1 to 7.

Complies. The proposed development provides car parking in accordance with Table 1.

1 space per dwelling behind the building line (roofed or unroofed). Visitor car parking not required.

Table 1 – Residential Development Types

LEP definition	Parking Requirements
Dwellings House	1 space per dwelling behind the building line (roofed or unroofed). Visitor car parking not required.

J1.6 Parking Credits

Not applicable. The proposed development is not a change of use nor alterations and additions.

J1.7 Car parking exemptions

Not applicable.

J1.8 Variation to parking requirements

Not applicable.

Part J2 Parking and Access – Residential Uses

Part J2 provides controls for all aspects of parking access and design for residential types of development within the Leeton Local Government Area.

Objective

Noted.

To ensure new residential development in the Leeton Local Government Area is provided with

<p>practical and safe access and on-site vehicle parking</p>	
<p>J2.1 Site access – design and location</p>	
<p>a. The following controls apply to new vehicle accesses for residential development:</p>	<p>It is proposed to utilise the vehicle access associated with the existing dwelling.</p>
<p>i. Access should be located no closer than 1 metre from the boundary of the site.</p>	<p>Complies.</p>
<p>ii. Accesses should not be located within 12 metres on the approaches to a “stop” or “give way” sign.</p>	<p>Complies.</p>
<p>iii. Accesses should be located so that any vehicles entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street.</p>	<p>Complies.</p>
<p>iv. Accesses should be clear of obstructions, which may prevent drivers having a timely view of pedestrians.</p>	<p>Complies.</p>
<p>v. Accesses should be readily visible and accessible from the road frontage. Accesses should also be located where they will cause least interference with vehicular and pedestrian movement on public roads and shall provide adequate visibility.</p>	<p>Complies.</p>
<p>vi. Accesses avoid direct connection to existing or proposed high volume and/or high speed roads wherever an alternative access can be provided.</p>	<p>Not applicable.</p>
<p>vii. Accesses achieve adequate site distance in both directions.</p>	<p>Complies.</p>
<p>viii. Access is limited to 1 x access point from each street frontage per dwelling, covering no more than 2 roller door accesses (max 6m), except for larger developments where this may not be practical.</p>	<p>Complies.</p>
<p>ix. Accesses cross the footpath or footway at right angles to the centreline of the road.</p>	<p>Complies.</p>
<p>x. Access locations should not require the removal of established trees or other significant roadside vegetation.</p>	<p>Complies.</p>
<p>xi. Accesses are located and designed to avoid roadside stormwater encroaching onto private property.</p>	<p>Complies.</p>
<p>xii. Where semi-circle access is proposed, the design allows for the turning radius of vehicles on private property and not on the public road reserve.</p>	<p>Not applicable.</p>
<p>xiii. All new accesses are to be engineered in accordance with the Leeton Shire Council Engineering Guideline (latest version).</p>	<p>Noted. Condition to be included in consent. The crossover is proposed to be 6.3m wide.</p>
<p>xiv. Accesses are to be sealed or concreted when they are connected to sealed road networks.</p>	<p>Noted. Condition to be included in consent.</p>

<p>b. Where the development is a dual occupancy, secondary dwelling or rural workers dwelling on rural zoned land, the new dwelling gains access to the public road network via the same entrance as the primary road.</p>	<p>Not applicable.</p>
<p>Note:</p>	
<p>A separate application under the Roads Act 1993 is required to be lodged with Leeton Shire Council and approved before any construction work associated with a new access is completed within a public road reservation.</p>	
<p>J2.2 Driveway widths</p>	<p>Not applicable.</p>
<p>a. For medium density housing the minimum width of a new driveway should be:</p> <ul style="list-style-type: none"> i. 3.5 metres for each entry and exit where these are not combined. ii. 6.0 metres where the entry and exit are combined. 	
<p>J2.3 Car parking design</p>	
<p>a. The layout and dimensions of car parking areas are to be in accordance with the design standards as set out in AS 2890.1 – Off-street Car Parking Part 1.</p>	<p>Complies.</p>
<p>J2.4 Internal road design</p>	
<p>a. Where internal roads and / or driveways are proposed as part of the design of new residential development, the following controls apply:</p>	
<ul style="list-style-type: none"> i. The development is designed to allow all vehicles (including larger vehicles, such as emergency service vehicles) to safely enter and exit the site in a forwards facing direction. Vehicle swept paths, prepared by a suitable experienced designer, are to be submitted with the Development Application / Construction Certification to Council. 	<p>Not applicable.</p>
<ul style="list-style-type: none"> ii. The development is designed to eliminate the potential for on-street queuing by allowing sufficient standing area for vehicles entering parking areas. 	<p>Complies.</p>
<ul style="list-style-type: none"> iii. The development should be designed for low speed environments. Generally, vehicular speeds should range between 10-30 km/h, depending on the expected amount of pedestrian use. 	<p>Not applicable.</p>
<p>J2.5 Car parking surfaces</p>	
<p>a. All new car parking areas and their associated site accesses, vehicle manoeuvring areas and loading / unloading areas must be constructed with a surface finish in accordance with Table 8 below.</p>	<p>Complies. The surface of the existing crossover is considered to be satisfactory.</p>

Table 8 - Car parking surfaces

Component	Acceptable surface finish
Site Access (to property boundary)	concrete
Vehicle manoeuvring Areas	concrete / bitumen seal
Car Parking Spaces	concrete / bitumen seal
Accessible path of travel (where required)	concrete / bitumen seal

Part L

BIODIVERSITY MANAGEMENT

Part L1 Biodiversity Management

Part L applies generally to any development that requires consent under Part 4 of the Environmental Planning & Assessment Act 1979 and that has the potential to impact biodiversity.

11.1 Introduction

This DCP section aims to detail and clarify the application of NSW biodiversity legislation for the purposes of development assessment. In this regard, the NSW Biodiversity Conservation Act 2016 establishes a framework to avoid, minimise and offset the impacts of local development and land use changes on native biodiversity.

Noted.

Leeton Local Environmental Plan 2014

Part L.1 of the DCP supports the aims and provisions of the Leeton Local Environmental Plan 2014 (LEP) that relate to the conservation and management of the natural environment.

Noted.

Environmental Planning and Assessment Act 1979

Part L.1 of the DCP addresses the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act) that relate to the conservation and management of the natural environment. In particular, it addresses the following objects of the EP&A Act:

Noted. Refer to Part 4.01 of the report.

- a. 1.3(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,
- b. 1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- c. 1.3(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

This section of the DCP also addresses matters that the consent authority will take into account when considering the following “matters for consideration” under the EP&A Act:

- a. 4.15(1)(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,
- b. 4.15(1)(c) the suitability of the site for the development,
- c. 4.15(1)(e) the public interest.

Relationship to Biodiversity Conservation Act 2016 (BC Act)

Part L.1 of the DCP addresses the purpose of the Biodiversity Conservation Act 2016 (BC Act) relating to the impacts of local development and land use changes on native biodiversity. The overarching purpose of the Act is to apply the principles of ecologically sustainable development. More specifically, the following purposes of the BC Act are relevant:

- a. 1.3(a) to conserve biodiversity at bioregional and State scales,
- b. 1.3(b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
- c. 1.3(c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge about biodiversity conservation,
- d. 1.3(d) to support biodiversity conservation in the context of a changing climate,
- e. 1.3(h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature,
- f. 1.3(k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity,
- g. 1.3(l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values,
- h. 1.3(m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales.

Part 7 of the BC Act, together with the Biodiversity Conservation Regulation 2017 (BC Regulation) and some aspects of the Local Land Services Act 2013 (LLS Act), outline the framework for assessment and approval of biodiversity impacts associated with certain proposals that require

Refer to Part 4.02 of the report.

Noted.

development consent. Subject to the provisions of the BC Act, such developments are ultimately determined under the EP&A Act

Part 6 of the BC Act introduces the Biodiversity Offsets Scheme (BOS). A development to which the BOS applies requires the preparation and submission of a Biodiversity Development Assessment Report (BDAR) to accompany the application. Where a BDAR is required, it must be prepared by an 'accredited assessor' in accordance with the Biodiversity Assessment Method (BAM) established under the BC Act. Accredited assessors are ecologists accredited by the NSW Department of Planning, Industry and Environment to carry out the BAM and prepare BDARs.

Both the BAM and BC Act are based on a hierarchical framework which requires the proponent to design proposed development such that it avoids and minimises biodiversity impacts before proposing biodiversity offsets. If the avoid and minimise measures proposed are considered acceptable by the consent authority, any resulting biodiversity offsets must be delivered in accordance with the BOS and the proponent cannot commence construction until the offset obligation is met.

Council's main role as the consent authority under Part 7 of the BC Act (amongst other things) is to determine:

- a. if measures proposed to avoid and minimise biodiversity impacts are acceptable (BC Act s7.13);
- b. if the development will result in a serious or irreversible impact on biodiversity values (BC Act, s7.16);
- c. that any residual impacts are offset (or otherwise addressed) in accordance with the BC Act (s7.13).

Relationship to 10/50 Vegetation Clearing Code of Practice

L1.3 Biodiversity pathways

Given the potential operation of both the EP&A Act and the BC Act, there are two main assessment pathways which determine the level of biodiversity assessment and information required to support a development application (see Fig 1).

The assessment pathway depends on whether the proposed development triggers entry into the BOS according to the BC Act (see Tables 1, 2 and 3).

Noted.

Not applicable. The subject site is not bush fire prone land.

The proposed development is local development.

The Biodiversity Offsets Scheme does not apply (refer below).

Assessment of the proposed development is required under Part 4 of the Environmental Planning and Assessment Act 1979.

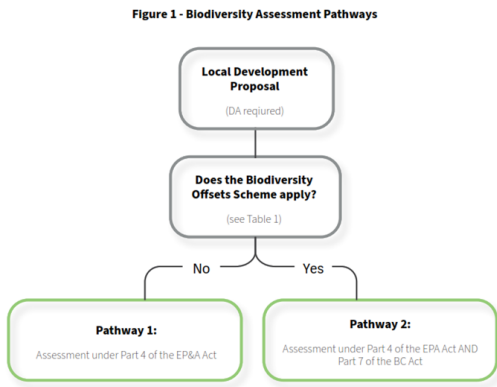


Table 1 - Does the BOS apply to the proposed development?

	Description of proposed activity	Legislative reference
The Biodiversity Offset Scheme does apply to:	Proposed clearing of native vegetation (see Table 3) that would exceed the BOS area clearing threshold ¹	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(a), s7.2
	Proposed clearing of native vegetation (see Table 2) or other action prescribed by clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map ²	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(b), s6.1, s7.3
	Proposed development that is likely to significantly affect threatened species or ecological communities according to the test of significance	BC Act: s7.2(1)(a), s7.3
The Biodiversity Offset Scheme does not apply to:	Proposed development to be carried out within a declared area of outstanding biodiversity value	BC Act: s7.2(1)(c)
	Proposed clearing of native vegetation on Category 1-Exempt land ²	BC Act: s7.4 LLS Act: s60H
	Proposed development on biodiversity certified land	BC Act: s7.6

¹ See: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements>
The area threshold varies depending on the minimum lot size (under Leeton LEP 2014) applying to the land. For ease of references purposes, the thresholds are described in the table below.

² See: <https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-management-framework>

The area threshold varies depending on the minimum lot size (under Leeton LEP 2014) applying to the land. For ease of references purposes, the thresholds are described in the table below.

Table 2 - Area Thresholds

Minimum Lot Size	Threshold for clearing, above which the offsets scheme applies
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000ha or more	2 ha or more

Table 1 - Does the BOS apply to the proposed development?

	Description of proposed activity	Legislative reference	Comments
The Biodiversity Offset Scheme does apply to:	Proposed clearing of native vegetation (see Table 3) that would exceed the BOS area clearing threshold ¹	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(a), s7.2	The trees that were removed are considered to be native vegetation (see Table 3) but the BOS area clearing threshold was not exceeded.
	Proposed clearing of native vegetation (see Table 2) or other action prescribed by clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map ¹	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(b), s6.1, s7.3	The subject land is not identified on the Biodiversity Values Map.
	Proposed development that is likely to significantly affect	BC Act: s7.2(1)(a), s7.3	Relevant definitions in the BC Act <i>threatened ecological</i>

	threatened species or ecological communities according to the test of significance		<p>community means a critically endangered ecological community, an endangered ecological community or a vulnerable ecological community listed in Schedule 2.</p> <p>threatened species means a critically endangered species, an endangered species or a vulnerable species listed in Schedule 1.</p> <p>The subject site does not include threatened species or ecological communities listed in the schedules. As such, the proposed development is not likely to significantly affect threatened species or ecological communities.</p>
	Proposed development to be carried out within a declared area of outstanding biodiversity value	BC Act: s7.2(1)(c)	The subject land is not within a declared area of outstanding biodiversity value.
The Biodiversity Offset Scheme does not apply to:	Proposed clearing of native vegetation on Category 1-Exempt land ²	BC Act: s7.4 LLS Act: s60H	The subject site is not Category 1-Exempt land, as indicated on the maps held by Local Land Services.
	Proposed development on biodiversity certified land	BC Act: s7.6	The subject site is not biodiversity certified land.

1 - See: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements>

The area threshold varies depending on the minimum lot size (under Leeton LEP 2014) applying to the land. For ease of references purposes, the thresholds are described in the table below.

2 - See: <https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-managementframework>

The area threshold varies depending on the minimum lot size (under Leeton LEP 2014) applying to the land. For ease of references purposes, the thresholds are described in the table below.

Table 2 - Area Thresholds

Minimum Lot Size	Threshold for clearing, above which the offsets scheme applies	Comments
Less than 1 ha	0.25 ha or more	The minimum lot size under the LLEP2014 applying to the subject site is 4,000m ² (refer Clause 4.1(3B)).

		The offsets scheme applies to clearing above 0.25 ha or 2,500m ² .
1 ha to less than 40 ha	0.5 ha or more	
40 ha to less than 1000 ha	1 ha or more	
1000ha or more	2 ha or more	

Table 3 - What is clearing of native vegetation? (for the purposes of development requiring consent under Part 4 of the EP&A Act only)

	Description	Legislative reference	Comments
"Native vegetation" refers to:	Trees (including any sapling), shrubs, understorey plants, groundcover and plants occurring in a wetland that were established in NSW prior to European colonisation	LLS Act: s60B(1), s60B(2)	Statement of environmental effects (17.7.2024) <i>One 6 metre yellowbox tree on the eastern side (which was confirmed as 'regrowth' planted by the land owner prior to 2004) was removed as it was damaging a fence.</i> <i>Three 5-6 metre yellowbox trees (land owners from 2004-2019 have confirmed the saplings emerged after they purchased the property and they watered them to enhance shade for their horses) were removed centrally from the site to permit access to the proposed shed and the shed itself.</i> A plant may be considered native to New South Wales if it is listed as native on the <i>NSW Flora Online</i> database, which is maintained by the Botanic Gardens of Sydney. Eucalyptus melliodora (Yellow box) trees are listed in the database.
	Dead or non-native vegetation identified within Category 2-Regulated land ²	LLS Act: s60B(3)	Not applicable.
"Native vegetation" does not include:	Marine vegetation including mangroves and seagrasses	LLS Act: s60B(4)	Not applicable.

"Clearing" of native vegetation means:	Means any one or more of the following - (a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation, (b) killing, destroying, poisoning, ringbarking or burning native vegetation.	LLS Act: s60C	The removal of the trees is considered to be "clearing" of "native vegetation".
	Includes all clearing proposed in association with a development, including for construction of roads and other infrastructure, bushfire protection requirements, services installation, etc.	LLS Act: s60C	Not applicable.
	Includes all clearing required or likely to be required for the purposes of a subdivision	BC Regulation s7.1(3)	Not applicable.

1

See: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements>

2

See: <https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-managementframework>

L1.4 Development Applications

Statutory considerations

When determining an application for development consent involving impacts on biodiversity, Council must consider various legislation and policies. These include:

- Environmental impacts on the natural environment under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- Development that is "likely to significantly affect threatened species" as set out in the Biodiversity Conservation Act 2016.
- Potential impacts under other biodiversity legislation such as the NSW Fisheries Management Act 1994 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- Specific Council LEP Clauses that relate to the protection and management of the natural environment.

Refer Part 4.02 of this report.

Refer assessment above. The proposed development is not likely to significantly affect "threatened species" as set out in the Biodiversity Conservation Act 2016.

Not applicable.

Refer Part 4.02(a) of this report. The LEP Clauses considered to relate to the protection and management of the natural environment are;
 5.16 Subdivision of, or dwellings on, land in certain

	rural, residential or conservation zones
	5.21 Flood planning
	6.1 Earthworks
	6.4 Groundwater vulnerability
	6.12 Essential services
	It is noted that the subject land is not identified on the maps referenced in the following clauses.
	6.3 Terrestrial biodiversity
	6.5 Riparian land and watercourses
	6.6 Wetlands
- Vegetation clearing or other works within 40m of a watercourse as defined under the Water Management Act 2000.	Not applicable.
Proposed development should also be consistent with any relevant strategies, plans or policies prepared and adopted by State, Commonwealth or Local authorities such as:	Not applicable.
- Riverina Murray Regional Plan	
- Leeton Local Strategic Planning Statement	
Approvals required by other agencies	
In some instances, further approvals may be required by other agencies before development can be undertaken.	
For example:	
- Development in bushfire prone areas (Rural Fire Service).	Not applicable.
- Works within 40m of the bed or banks of a waterway (Department of Primary Industries National Resources Access Regulator).	Not applicable.
Biodiversity Assessment Objectives	Noted.
- To ensure that any biodiversity values that may be impacted by the proposed development are identified.	
- To ensure that any potential impacts on biodiversity are avoided, minimised, and/or offset.	
- To inform the decision-making process in a timely and efficient manner.	
Development Application requirements	Noted.
The following information is required to accompany development applications that have the potential to impact biodiversity.	
a. For development that does not exceed the BOS threshold:	Refer above assessment.
i. Information demonstrating the conclusion that the proposal does not exceed the BOS threshold.	
ii. A response to the threatened species test of significance set out under s7.3(1) of the BC Act.	
b. For development to which the BOS applies according to the triggers described in Table 1:	Not applicable.

- i. A Biodiversity Development Assessment Report (BDAR) prepared by an assessor who is accredited by DPIE to carry out the Biodiversity Assessment Method (BAM).

d) Section 4.15(1)(a)(iia) – The provisions of 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

There is no draft or current planning agreement applicable to this application under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

e) Section 4.15(1)(a)(iv) – The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning and Assessment Regulation 2021

61 Additional matters that consent authority must consider

Demolition

Not applicable. No demolition is proposed.

Subdivision Orders

Not applicable.

Manor house or terraces

Not applicable.

62 Consideration of fire safety

Not applicable.

63 Considerations for erection of temporary structures

Not applicable.

64 Consent authority may require upgrade of buildings

Not applicable.

66A Council-related development applications

Not applicable.

f) Section 4.15(1)(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

Context and setting

The existing uses of land in the vicinity of the development include;

- Rural lifestyle activities, hobby farms and keeping of animals (adjoining land Petersham Rd).
- Fivebough Wetlands
- Horticultural farming

The proposed development is not considered likely to have a significant impact on those land uses. The proposed development is appropriate within the setting and consistent with the outcomes sought for the site.

Visual impact

A views analysis, based on the Planning Principle created by the NSW Land and Environment Court, was carried out and is available in the appendices of the report (Appendix C). The assessment of the application concluded that the proposal achieves the objective of sharing views while not restricting the reasonable development potential of the site.

Streetscape

The proposed development will not have a detrimental impact on the streetscape. The proposed shed is located approximately 250 metres from the front boundary and approximately 193 metres behind the existing dwelling.

Access, transport and traffic

The existing vehicular access to the subject site is satisfactory and there is sufficient area on-site to satisfy parking requirements. The proposed development will have a negligible impact on the adjacent road network.

Noise and vibration

The construction of the detached shed may result in some short-term noise disturbance to neighbouring residents. The use of the proposed development is considered to potentially generate noise and vibration impacts that will be consistent with the use of this type of property.

Services

The subject site is adequately serviced.

Heritage

The subject site is not within the heritage conservation area and there are no listed heritage items within proximity of the site.

Flora and Fauna

Consideration of the BC Act has been made under the provisions of Section 4.15(1)(a)(iii) of the EPAA with regard to the assessment of any relevant development control plan (Leeton Comprehensive Development Control Plan 2022). Refer Part 4.02(c) of this report.

The applicant has removed trees which are considered to be native vegetation, but the Biodiversity Offsets Scheme area clearing threshold was not exceeded.

The subject site does not include threatened species or ecological communities listed in the schedules referred to in the Biodiversity Conservation Act. As such, the proposed development is not considered likely to significantly affect threatened species or ecological communities.

Natural Hazards

The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.

An assessment with regard to the relevant bushfire regulations is not required as the subject site is not mapped as being bushfire prone land.

Man-made Hazards

The site is not subject to any man-made hazards.

Socio-Economic Impact in the Locality

The proposed development is considered to have acceptable social impacts for the locality and will generate economic benefits such as employment of persons involved in the erection of the proposed shed.

g) Section 4.15(c) – The suitability of the site for the development

The subject site is considered to be suitable for the construction of a detached shed and relocation of the existing horse stable for the following reasons:

- The proposal is consistent with the relevant development controls and no significant adverse impacts have been identified.
- The proposed use is consistent with the land use zoning of the site.
- The site is of a sufficient land size to enable the proposed development.
- The proposed development is in keeping with the character of the local area.

h) Section 4.15(d) – any submissions made in accordance with the Act or the regulations

Advertising

The application was not required to be advertised.

Referrals to Public Authorities

The development application was not required to be referred to any public authorities.

Notification

The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

Three (3) submissions were received during the notification period.

The applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development.

Subsequently, the applicant submitted a response to the submissions and an amended proposal.

The amended Development Application was placed on public exhibition for a period of 14 days during which time adjoining landowners were notified of the proposed development.

Three (3) further submissions were received from the original submitters opposing the development.

The submissions raised the following matters (in bold):

LLEP 2014 zone objectives

The proposed development is considered to be consistent with the objectives of the C4 Environmental Living zone in the LLEP 2014.

LEP clauses

The proposed development is considered to be satisfactory in regard to the relevant clauses of the LLEP 2014.

Visual impact

Views to wetlands

A views analysis, based on the Planning Principle created by the NSW Land and Environment Court, was carried out and is available in the appendices of the report (Appendix D). The assessment of the application concluded that the proposal achieves the objective of sharing views while not restricting the reasonable development potential of the site.

Bulk and scale

It is considered that the bulk and scale of the proposed development will not result in a significant loss of amenity to neighbouring premises.

The maximum building height for the subject site referenced in Clause 4.3 of the LLEP 2014 is 8.5 metres. Both buildings do not exceed 8.5m in height (shed 5.8m & stable 4.5m).

The maximum floor space ratio (FSR) for the subject site referenced in Clause 4.4 of the LLEP 2014 is 0.25. The FSR of the proposed development (0.06) does not exceed the prescribed FSR (0.25).

It is noted that there are no development controls relating to development within the C4 zone, other than Part J (parking and access) and Part L (Biodiversity Management).

Part 6.2 of DCP

Part D6, relating to ancillary development such as sheds, is not applicable as the subject land is zoned C4 Environmental Living (refer below extract from the DCP).

Where development consent is required, Part D.6 applies to the following types of development where they are not exempt development:

1. *Ancillary Development*
2. *Swimming Pools*
3. *Fencing*

Part D.6 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. *R1 General Residential*

1. R2 Low Density Residential
2. R3 Medium Density Residential
3. R5 Large Lot Residential
4. RU5 Village

It is considered inappropriate to require the proposed development to meet the provisions of Part D6. However, an assessment has been made in order to identify the level of compliance with those standards (refer Appendix B of assessment report).

It is noted that there are 16 development standards in Part D6.2, relating to detached ancillary structures. Four of the standards are not applicable to the proposed shed, whilst ten of the standards are complied with. A variation to the following two standards would be required.

D6.2(e) Building design & appearance

The height of the proposed shed (5.8m) exceeds the maximum height (4.5m) for ancillary buildings.

D6.2(m) Gross floor area

The gross floor area (6%), which includes the existing and proposed buildings on the site, is significantly less than the maximum (55%). However, the size of the proposed shed (360m²) exceeds the maximum size (150m²) per building.

The non-compliances are considered to be reasonable and do not generate any significant impacts.

Impact on the fauna & flora

Removal of trees

Impacts on native wildlife

Destruction of habitat

Consideration of the BC Act has been made under the provisions of Section 4.15(1)(a)(iii) of the EPAA with regard to the assessment of any relevant development control plan (Leeton Comprehensive Development Control Plan 2022). Refer Part 4.02(c) of this report.

The applicant has removed trees which are considered to be native vegetation, but the Biodiversity Offsets Scheme area clearing threshold was not exceeded.

The subject site does not include threatened species or ecological communities listed in the schedules referred to in the Biodiversity Conservation Act. As such, the proposed development is not considered likely to significantly affect threatened species or ecological communities.

It should be noted that the State Environmental Planning Policy (Biodiversity and Conservation) 2021 is not considered to be applicable as the Leeton Development Control Plan 2022 does not make a declaration of vegetation to which the SEPP applies.

Privacy

An assessment of the application concluded that the proposal maintains adequate visual and acoustic privacy to adjacent dwellings, particularly in respect of private open spaces and windows of habitable rooms.

Amenity

An assessment of the application concluded that the proposed development is not detrimental to the amenity currently enjoyed by the occupants of adjacent properties.

Traffic impacts – noise & light

The use of the proposed development is considered to potentially generate noise and light impacts that will be consistent with the use of this type of property.

Use of shed as a residence

Future dwelling

The development application does not seek consent for anything other than the construction of a detached shed and relocation of the existing horse stable. However, the statement of

environmental effects mentions “.....*future development of a dwelling (creating a dual occupancy) at the eastern end of the site.*”

Dual occupancies are permitted with consent under the Leeton Local Environmental Plan 2014 in the C4 Environmental Living land use zone. That is, dual occupancies are permitted, subject to the assessment and approval of a development application.

Subdivision

Subdivision is not included in the development application.

Subdivision is permitted with consent, subject to the assessment of a development application, under the Leeton Local Environmental Plan 2014. Clause 4.1 prescribes the minimum subdivision lot size that is applicable to the subject land.

On-site sewage management

The disposal and management of effluent is proposed by installing an on-site sewage management system. The applicant has submitted a land capability assessment that confirms that the subject site is suitable for the on-site disposal of effluent.

A condition has been included in the consent regarding on-site sewer management;

On-site Sewer Management

A separate application under Section 68 of the Local Government Act 1993 shall be submitted to Council and approval obtained prior to the installation of the on-site sewer management system. The application shall be submitted through the NSW Planning Portal, with the relevant fees being paid.

Stormwater drainage

Runoff impacts on grazing animals

Stormwater drainage is required to be managed effectively on the site. The proposed development is considered to satisfy the development controls listed in the Leeton Development Control Plan 2022.

A condition has been included in the consent regarding stormwater drainage;

Stormwater drainage

The stormwater drainage system must be constructed to comply with the following requirements as a minimum:

- a) *All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.*
- b) *All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.*
- c) *Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.*
- d) *All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.*
- e) *Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.*

Impacts (visual, noise) for visitors to the wetlands

Visitors to the wetlands are not considered to be affected by the proposed development.

Notification to external agencies

The nature, scale and likely impact of the proposed development was considered to warrant public notification in accordance with the provisions of Part 2 of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

Loss in value of land

The potential future economic loss, due to the impacts generated by the proposed development, is not considered to be a relevant matter in the assessment of the development application. The potential effects on property values is not easily quantifiable as they are subject to market forces and a wide range of other factors.

1995 agreement for location of stables.

Precedence re location of sheds

It is acknowledged that the existing location of the horses stables was the result of negotiation between 332 Petersham & the previous owners of 336 Petersham. However, there appears to be no formal legal agreement or covenant on the property title regarding the location of the horses stables or any other structures.

Details in DA

The applicant was requested to provide additional information in regard to numerous matters including inaccuracies; omissions and errors in the statement of environmental effects; details of the proposed onsite sewage management system and landscaping; and an updated cost summary report.

Options for location of stable

The applicant was requested to submit a response to the concerns raised in the submissions and to consider amending the proposed development in order to address those concerns.

In response, the applicant submitted amended plans showing two options for the relocation of the existing horse stable. Either of those options are considered to be reasonable.

Proposed landscaping

The applicant was requested to submit a response to the concerns raised in the submissions and to consider amending the proposed development in order to address those concerns.

In response, the applicant submitted amended plans indicating landscape screening along the boundaries. These measures are considered to be sufficient to provide a reasonable level of privacy and to address the visual impact suggested by the neighbours.

i) Section 4.15(e) – the public interest

The development is consistent with the aims and objectives contained in the Leeton Local Environmental Plan 2014, other relevant Environmental Planning Instruments and the Leeton Development Control Plan 2022. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The proposed development is in the public interest as it allows for the orderly and economic development of the site.

4.03 Other Legislative Requirements

a) Commonwealth

Environmental Protection & Biodiversity Conservation Act 1999

The provisions of the Environment Protection and Biodiversity Conservation (EPBC) Act only relates to proposed actions which have the potential to significantly impact on Matters of National Environmental Significance or the environment or Commonwealth owned land.

There are no matters of National Matters of Environmental Significance within the Leeton local government area and the development site is not listed as a National Heritage Place. There is not proposed to be any impact on flora and fauna as part of the development.

As a result, there will not be any impact on matters referenced in the EPBC Act and so there is not any need for any assessment to be carried out.

b) New South Wales

Biodiversity Conservation Act 2016	Consideration has been made under the provisions of Section 1.7 of the EPAA. Refer Part 4.01(a) and 4.02(c) of this report.
Fisheries Management Act	Considerations has been made under the provisions of Section 1.7 of the EPAA. Refer Part 4.01(b) of this report.
Local Government Act 1993	Not applicable. The proponent will require relevant approvals prior to work being carried out for water supply, sewerage and stormwater drainage.
Roads Act 1993	Not applicable. The proponent will require relevant approvals for any work carried out within the road reserve.
Heritage Act 1977	Not applicable.
Protection of the Environment Operations Act 1997	Not applicable.
Contaminated Land Management Act 1997	Not applicable.
National Parks & Wildlife Act 1974	Not applicable.
Water Management Act 2000	Not applicable.
Rural Fires Act 1997	Not applicable.

c) Council Policies

Asbestos Policy	Not applicable.
Community Engagement Strategy 2022 - 2025 (incorporating Land Use Participation Plan)	The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025. Refer above comments in Part 2 Notification/Community Consultation and Part 4.02(h) - <i>Section 4.15(d) – any submissions made in accordance with the Act or the regulations.</i>
Conflicts of Interest Policy	Not applicable. This policy applies to Council-related developments and where an applicant is a staff member or Councillor.
Contaminated Land Management Policy	Not applicable.
Council Footpaths Use for Sales Advertising Structures Customer - Furniture etc	Not applicable.
Developer Contributions Deferred Payment Policy	Not applicable.
Development Application Objections Policy	The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025. Three (3) submissions were received during the notification period. As required under Part 8 of the Policy, where a Development Application is the subject of more than one objection, the matter will be submitted to Council for determination. Part 8 of the Policy also requires that staff

	endeavour to resolve/mediate an outcome between the objectors and the applicant. To that end, the applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development. Subsequently, the applicant submitted a response to the submissions and an amended proposal. The amended Development Application was placed on public exhibition for a period of 14 days during which time adjoining landowners were notified of the proposed development. Three (3) further submissions were received from the original submitters opposing the development.
Disability Inclusion Action Plan (DIAP).pdf	Not applicable.
Engineering Guidelines for Subdivisions & Development Standards - 2022-2023	The development application was not considered to require a referral to Council's Development Engineer.
Environmental Sustainability Policy NQF OSHC NSW	Not applicable.
Heritage Strategy for Leeton Shire Council 2018-2021	Not applicable.
Housing Strategy - Leeton Shire Council - 2021 - 2041	Not applicable.
Leeton Local Strategic Planning Statement	Not applicable.
Leeton Shire Flood Study - Volume 1 Report	The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.
Liquid Trade Waste Policy	Not applicable.
Low Pressure Sewer Policy	Not applicable.
Onsite Sewage Management Policy	The disposal and management of effluent is proposed by installing an on-site sewage management system. The applicant has submitted a land capability assessment that confirms that the subject site is suitable for the on-site disposal of effluent.
Pedestrian Access and Mobility Plan (PAMP)	Not applicable.
Swimming Pool Policy	Not applicable.

5. ADMINISTRATION

5.01 Conflicts Of Interest

Members of staff must ensure that they do not engage in any activities that:

- a) Conflicts with official duties
- b) Involves using confidential information or council resources obtained through work with the council, or
- c) Discredits or disadvantages the council.

A conflict of interest arises if it is likely that a person with a private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced. Council's Code of

Conduct requires staff to declare potential Conflicts of Interest and take appropriate action to resolve these situations.

No conflicts of interest arose during the assessment of this application.

5.02 Delegations

In accordance with the adopted delegations of Council the application will be determined by the Nominated Council Officer.

5.03 Disclosure of political donations and gifts

Section 10.4 of the EPAA requires the disclosure of political donations and gifts, as defined within the Election Funding and Disclosures Act 1981.

No disclosures have been made by the applicant or any person making a submission to the application.

6. CONCLUSION

6.01 Summary

The development is considered to be satisfactory based on the foregoing assessment.

The development has been assessed against the matters for consideration that apply to the land to which the development application relates as outlined in Section 4.15 of the Environmental Planning and Assessment Act, 1979 as follows:

- The proposed development is, subject to the recommended conditions, consistent with the objectives of the relevant environmental planning instruments, being Leeton Local Environmental Plan 2014 and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Leeton Council Comprehensive Development Control Plan 2022.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

6.02 Recommendation

It is recommended that development application DA49/2024 for **construction of a detached shed and relocation of the existing horse stable** be approved, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 under the delegated authority of Council, subject to the conditions detailed in Appendix D.

6.03 Determination

I hereby adopt the above recommendation. I am unaware of any revocation of the authority delegated to me.

Michael Peisley
Building Surveyor
Date: 18.9.2024

Francois Van Der Berg
Manager Planning, Building & Health
Date: 18.9.2024

APPENDIX A

FLOOR SPACE RATIO CALCULATIONS – DA49/2024		
SITE AREA		
Total Site Area	13,120	m²
Exclusions		
land on which the proposed development is prohibited	-	
area of the access laneway of a battle-axe lot is not part of the area of the lot	-	
community land or a public place (except as provided by subclause (7))	-	
FSR Site Area	13,120	m²
GROSS FLOOR AREA		
Buildings		
existing dwelling	300	m ²
existing outbuildings	124	m ²
proposed shed	360	m ²
the area of a mezzanine	-	
habitable rooms in a basement or an attic	-	
any shop, auditorium, cinema, and the like, in a basement or attic	-	
Sub total (GFA)	820	m²
excludes:		
	-	lifts (common vertical circulation)
	-	stairs (common vertical circulation)
	-	basement
	-	storage
	-	vehicular access
	-	loading areas
	-	garbage
	-	services
	-	plant rooms
	-	lift towers
	-	mechanical service areas
	-	ducting
	-	car parking to meet any requirements of the consent authority (including access to that car parking),
	-	space used for the loading or unloading of goods (including access to it)
	-	terraces and balconies with outer walls less than 1.4 metres high
	-	voids above a floor at the level of a storey or storey above
TOTAL GROSS FLOOR AREA	784	m²
Floor Space Ratio	0.06	
LEP Floor Space Ratio	0.25	

APPENDIX B – ASSESSMENT PART D6.2

Part D

HOUSING AND ANCILLARY DEVELOPMENT

Part D6 Ancillary Development

Where development consent is required, Part D.6 applies to the following types of development where they are not exempt development:

1. Ancillary Development
2. Swimming Pools
3. Fencing

Part D.6 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. R1 General Residential
1. R2 Low Density Residential
2. R3 Medium Density Residential
3. R5 Large Lot Residential
4. RU5 Village

D6.2 Ancillary Buildings - Detached

Objective

To ensure detached ancillary development that requires consent does not create adverse impacts on streetscape, public utilities or access.

Earthworks

- a. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:1 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- b. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- c. Excavated areas must be properly engineered with subsurface drainage that is directed to a legal point of discharge (e.g. interallotment drainage pipes, street drainage, or public drainage reserves).

Building Design and Appearance

- d. Detached structures setback anywhere within 5 metres behind the building line to a primary road, do not exceed 50% of the width of the dwelling to which it is attached.
- e. The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the ridge height (peak) of the structure.

Part D6 is not applicable as the subject land is zoned C4 Environmental Living.

It is considered inappropriate to require the proposed development to meet the provisions of Part D6.2. However, the following assessment has been made in order to identify the level of compliance with those standards.

Noted.

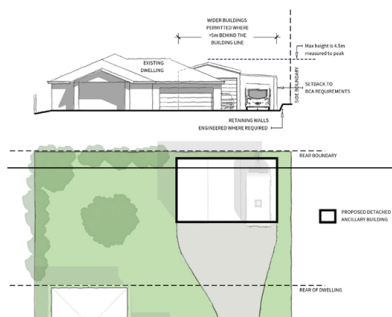
Not applicable.

Complies.

Noted.

Not applicable. The proposed shed and stables are set back more than 5 metres behind the building line.

Does not comply. The proposed shed is 5.8m high. Refer below for assessment of the variation to the development control.



f. New buildings should be designed to be consistent with or compliment the appearance of the existing dwelling. Factory pre-coloured / or new building materials should be used unless it can be demonstrated that other finishes / materials would create a more positive contribution to the streetscape or surrounding environment.

Complies.

Building Setbacks

g. Detached structures are located at or behind the building line to a primary or secondary road. Structures forward of the building line will only be considered where it can be demonstrated that:

Complies. The proposed shed is located behind the building line.

- i. The structure will not encroach any property boundary, and
- ii. The structure is not enclosed, and
- iii. The structure does not have a height that exceeds 2.7m or the gutter level of the existing dwelling, whichever is the lesser., and
- iv. The structure will not create adverse impacts on streetscape character, and
- iv. Where the structure is a carport, there are no other practical alternatives for the placement of the building behind the building line, and a new driveway is not required for access.

vi. The structure is not wider than 6m in total or 50% of the total width of the existing dwelling frontage, whichever is the lesser.

Note: All proposed structures in front of the building line will trigger neighbour notifications. Submissions received will be considered as part of the development assessment process.

h. Where new detached structures are proposed on a corner lot, the following additional controls apply:

Not applicable.

- i. The setback to the boundary adjoining the primary street frontage is the same setback resulting from compliance with controls g) and i)
- ii. Except as provided by control g), the setback to the boundary adjoining the secondary street frontage is always 4.5m, or behind the existing building line, whichever is the lesser.

- | | |
|---|--|
| <p>i. Building setbacks are to be in accordance with the minimum requirements of the Building Code of Australia and increased to the extent necessary to comply with the requirements of Table 17 for the specified lots.</p> | <p>Complies.
 The setbacks are in accordance with the minimum requirements of the Building Code of Australia.
 At the point where the height of the shed exceeds 4.5m, the setback is a minimum of 7m from the side and rear boundaries.</p> |
|---|--|

Table 17 - Building Setbacks - Detached Ancillary Structures			
Zone	Lot Type	Boundary	Setback
R1, R3, RU5	Standard Lot	Side and Rear	500mm ^
	Lane way Lot	Boundary shared with the lane way	500mm ^ 2.5m where vehicle access required ^
		Any other side or rear boundary	500mm ^
	Parallel Road Lot	Boundary shared with parallel road	3m
		Any other side or rear boundary	500mm ^
	Battle-axe Lot	Front Boundary	500mm ^
Any other side or rear boundary		500mm ^	
R2, R5	Standard Lot	Side and Rear	2m #
	Lane way Lot	Boundary shared with the lane way	2m # 2.5m where vehicle access required
		Any other side or rear boundary	2m #
	Parallel Road Lot	Boundary shared with parallel road	2m # 2.5m where vehicle access required
		Any other side or rear boundary	2m #
	Battle-axe Lot	Front Boundary	2m #
Any other side or rear boundary		2m #	

^ Setback is increased to a minimum 2m where the building height exceeds 4m.
 # Setback is increased to a minimum 5m where the building height exceeds 4.5m, and 10m where the building height exceeds 7m.

Access

- | | |
|---|---|
| <p>j. Development does not necessitate an additional driveway (i.e. more than one) crossing to be constructed to a public road.</p> <p>k. Development gains access to the local road network and not directly onto a classified road, except in circumstances where the property has no other practical means of gaining access to the public road network.</p> <p>l. Vehicle access from a secondary road or lane way is permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> i. There are no practical alternate options of gaining access to the public road network. ii. The secondary road or lane way is in a safe | <p>It is proposed to utilise the vehicle access associated with the existing dwelling.</p> <p>The proposed shed gains access to the local road network (Petersham Rd), which is not a classified road.</p> <p>Not applicable.</p> |
|---|---|

condition and suitable for ongoing vehicle access.

- iii. The structure is setback a minimum of 2.5 metres from any boundary shared with a lane way to facilitate ease of vehicle access.

Gross Floor Area

- m. Ancillary development complies with the following maximum gross floor area (note: the maximum gross floor area is the total of all onsite buildings) standards in Table 18.

The size of the proposed shed (360m²) exceeds the maximum size (150m²) listed in Table 18.

Maximum Gross Floor Area	
Existing Dwelling	300 m ²
Existing Garage	60 m ²
Stables	64 m ²
Shed	360 m ²
Total	784 m² (6% of lot area)
Lot area 13,120 m ²	

Refer below for assessment of the variation to the development control.

Lot Size	Maximum Gross Floor Area	Maximum size per building
0 - 450m ²	75% of lot area	80m ²
450m ² - 600m ²	65% of lot area	100m ²
600m ² - 900m ²	60% of lot area	120m ²
900m ² >	55% of lot area	150m ²

Siting

- n. The location of new ancillary development allows at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm.
- o. Buildings and structures should be designed and located so that they:
 - i. Do not encroach any easement protecting an existing service main or utility.
 - ii. Do not impact on the structural integrity of any existing service main or utility.
 - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
 - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

Complies.

Complies.

Complies.

Not applicable.

Noted.

Stormwater

- p. The stormwater management requirements for new ancillary development are the same requirements specified in Section D1.8.

D1.8 Stormwater Management

Objective

<p>To ensure stormwater from urban dwellings is properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure or downslope properties.</p>	<p>Noted.</p>
<p>Standards</p>	
<p>a. For new dwelling proposals, stormwater from the building(s), driveway(s) and other hardstand areas must be managed in accordance with the following requirements:</p>	
<p>i. Post-development runoff to be equal to or less than pre-development runoff rates for the whole development site in all rainfall events.</p>	<p>Noted.</p>
<p>ii. All stormwater to be discharged to a legal point of discharge (i.e. street drainage system or inter-allotment drainage easement / system).</p>	<p>Complies.</p>
<p>iii. Stormwater is discharged at a rate of 1 x 90mm diameter PVC drainage pipe for every 190m² of roofed, driveway or other hardstand area.</p>	<p>Complies.</p>
<p>iv. Where stormwater is discharged to a roadside kerb and gutter, the number of kerb outlets is to be limited to 3 outlets, constructed in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.</p>	<p>Not applicable.</p>
<p>v. Where stormwater is discharged to a roadside table drain, a single discharge point only is provided via a concrete surround that is finished flush to the profile of the table drain in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.</p>	<p>Not applicable.</p>
<p>vi. Where stormwater is discharged to an interallotment drainage system or public drainage reserve, a single discharge point only is provided via an existing or new pit sized in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.</p>	<p>Noted. Condition to be included in consent.</p>
<p>b. Development that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.</p>	<p>Not applicable.</p>

Variation to standards in Leeton Development Control Plan 2022

It is noted that there are 16 development standards in Part D6.2, relating to detached ancillary structures. Four of the standards are not applicable to the proposed shed, whilst ten of the standards are complied with. A variation to the following two standards would be required.

- D6.2(e) Building design & appearance
- D6.2(m) Gross floor area

Standard	Non-compliance
Building Design and Appearance	
D6.2(e) The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the ridge height (peak) of the structure.	The proposed shed is 5.8m high.
D6.2(m) Ancillary development complies with the following maximum gross floor area (note: the maximum gross floor area is the total of all onsite buildings) standards in Table 18.	The size of the proposed shed (360m ²) exceeds the maximum size (150m ²) listed in Table 18.
Table 18	Maximum Gross Floor Area
Lot Size 900m ² >	Existing Dwelling 300 m ²
Maximum Gross Floor Area 55% of lot area	Existing Garage 60 m ²
Maximum size per building 150m ²	Stables 64 m ²
	Shed <u>360 m²</u>
	Total 784 m ² (6% of lot area)
	Lot area 13,120 m ²

As mentioned previously, it is considered inappropriate to require the proposed development to meet the provisions of Part D6.2. Part D6.2 only applies to land zoned R1, R2, R3, R5 and RU5 and not to the subject site that is zoned C4 Environmental Living.

Part A.9 of the DCP indicates that Council may still grant approval subject to a statement being submitted to Council that:

- a. Clearly identifies the standard(s) that cannot be complied with, and
- b. Clearly identifies why the standard(s) cannot be complied with, and
- c. Clearly explains why non-compliance with the standard(s) is warranted by special circumstances or to achieve a superior standard.

As Part D6.2 is not applicable to the proposed development, the applicant is not obligated to address the potential non-compliances with Part D6.2 or to seek a variation to them.

However, the applicant has submitted the following to explain the purpose of the proposed shed.

The ongoing use of the shed will be to store an Isuzu NPS truck, 24ft caravan, Quintrex 4.3m top ender fishing boat, horse float, feed room for horses, motorbikes and overflow that cannot fit in the current small shed. The property does not have an additional garage therefore the small shed is required to be used as one for the second vehicle. It is important to note that the truck and caravan require a 4m clearance on the roller door opening hence the walls of the shed will stand at 4.5m with a 4m opening and 500mm for the drum of the roller door. The pitch of the shed is the general minimum fall at 11 degrees. Therefore, the peak of the shed will be 5.7m. The bathroom in the shed is to allow for it to be used for salami days, special family gatherings and a play space for children when the weather is too hot or cold.

The variations to the development controls are considered to be reasonable for the following reasons;

- The scale of the proposed shed is considered to be consistent with the dwelling which has a maximum height of approximately 5.2m and a floor area of approximately 300m². It is noted that the height of the proposed shed (5.8m) does not exceed the maximum height for buildings prescribed

for the land (8.5m) under Clause 4.3 *Height of buildings* of the Leeton Local Environmental Plan 2014.

- There is an inconsistency between Part D6.2(e) and D6.2(i). That is, D6.2(i) requires the setbacks of buildings to be increased where the height of the building exceeds 4.5 metres.
D6.2(i) - Building setbacks are to be in accordance with the minimum requirements of the Building Code of Australia and increased to the extent necessary to comply with the requirements of Table 17 for the specified lots.

Table 17

Zone	R2
Lot Type	Standard
Boundary	Side and rear
Setback	2m #

Setback is increased to a minimum 5m where the building height exceeds 4.5m, and 10m where the building height exceeds 7m.

The setbacks are in accordance with the minimum requirements of the Building Code of Australia.

At the point where the height of the shed exceeds 4.5m, the setback is a minimum of 7m from the side and rear boundaries.

- The proposed development complies with the maximum gross floor area prescribed in Table 18 (55% of lot area). It is noted that 55% of the lot area equates to 7,216m² of gross floor area. The gross floor area, including the proposed development, is 784m² (6% of lot area) or approximately 11% of the standard.
- The proposed development (shed) exceeds the maximum size per building prescribed in Table 18 (150m²). It is noted that the primary purpose of the development control appears to be to regulate the maximum gross floor area, which the proposed development easily satisfies. The maximum size per building appears to be an arbitrary figure as there is no explanation for limiting each building to a maximum floor area of 150m². There appears to be no limit to the number of buildings, having a floor area of 150m², that could be constructed on the site as long as the gross floor area is not exceeded (7,216m²).
- The bulk and scale of the proposed shed is considered to be reasonable in the context of the locality.
- The proposed shed is not inconsistent with the character and nature of similar development in the locality.
- The non-compliances are considered to be reasonable and do not generate any significant impacts.

Section 4.15(3A) EPAA

Assuming that Part D6.2 did apply to the proposed development, the provisions of Section 4.15(3A) of the Environmental Planning and Assessment Act 1979 would have also been considered in regard to the development controls that were not complied with.

Section 4.15(3A) EPAA

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

The non-compliances are considered to be reasonable and will achieve the objective related to those specific development controls, which is "To ensure detached ancillary development that requires consent does not create adverse impacts on streetscape, public utilities or access".

The streetscape will not be affected as the proposed shed is located approximately 250 metres from the front boundary and approximately 193 metres behind the existing dwelling. There will be no impact on the public utilities associated with the subject site. The access to the site that has been approved for the proposed dwelling will be utilised for the proposed shed.

The variations to the development controls are supported.

DRAFT

APPENDIX C – VIEWS ANALYSIS

Views Analysis

DA49/2024

336 Petersham Rd, Leeton

Construction of a detached shed and relocation of the existing horse stable

Planning Principle – Views – general principles

Tenacity Consulting v Waringah [2004] NSWLEC 140

Dr John Roseth
Senior Commissioner

7.4.2004

Please note that the following paragraphs (italics & numbered 25 to 30) are copied directly from the Land & Environment Court case above. Those paragraphs form the planning principle that was presented by Senior Commissioner Roseth.

The assessment of the views associated with the proposed development is provided following each step of the planning principle (within the boxes).

25 The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The views available from the adjacent properties are considered to be valuable as they provide views to the north, south and east. The views are not considered to include items of an iconic nature and there are no water views, only land views. That is, there is not considered to be any direct views of water within Fivebough Wetland. The primary views consist of the vegetation within the subject properties and the western border of Fivebough Wetland. Given the relatively narrow elongated shape of the subject sites, a proportion of the views are only available across other properties in Petersham Road.

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views available from the adjacent properties are from the rear living areas within the dwellings, outdoor living areas and private open spaces. The available views can be enjoyed from either a sitting or standing position. Those views are considered to be reduced by the proposed development, but the views affected are only available across the side boundaries of 336 Petersham Road.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can

be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The impact on the views available from the adjacent properties is considered to be moderate.

The proposed development is estimated to obscure an equitable proportion of the view to the east. The intrinsic value of the views, being the views to the north, south and east will not be lost. The views are only available across the side boundaries of 336 Petersham Road and the protection of those entire views is considered to be unrealistic and would have a severe impact on the applicant's ability to reasonably develop the site. A considerable amount of the easterly views are maintained and the reduction is considered to be reasonable.

29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposed development complies with the relevant provisions of the Leeton Local Environmental Plan 2014. It is noted that there are no specific development controls in the Leeton Development Control Plan 2022 that apply to development within the C4 Environmental Living land use zone, other than Part J (parking and access) and Part L (Biodiversity Management).

The proposed development is considered to be reasonable in the context of the locality and the site characteristics. It will have minimal impact on neighbouring properties in terms of bulk, scale, privacy and overshadowing.

The impact on the views from the adjacent properties is considered to be acceptable.

30 *Applying the above principles to 7 Bellevue Place, I would classify the view to the ocean and Manly as highly valuable, what most people would describe as magnificent. It is now available from four levels from the rear. The proposal would obliterate views from the lower three levels from sitting and standing positions. From the fourth level it would obliterate it from sitting positions and reduce it from standing positions. In my opinion, the impact would be severe.*

The views available from the adjacent properties are considered to be valuable as they provide views to the north, south and east. However, the views affected are only available across the side boundaries of 336 Petersham Road.

The proposed development is estimated to obscure an equitable proportion of the view to the east. The intrinsic value of the views, being the views to the north, south and east will not be lost.

The views are only available across the side boundaries of 336 Petersham Road and the protection of those entire views is considered to be unrealistic and would have a severe impact on the applicant's ability to reasonably develop the site.

The proposed development is considered to be reasonable in the context of the locality and the site characteristics. It will have minimal impact on neighbouring properties in terms of bulk, scale, privacy and overshadowing.

APPENDIX D – DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. Approved plans and documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Title/Plan no:	Ref no:	Sheet no:	Drawn by:	Dated:
Statement of Environmental Effects	336 Petersham Road (Amended)	1-12	Clearsky	17.7.2024
Site Plan	24013	A1	AS Drafting	17.7.2024
Floor Plan (shed)	2894822998	6 of 10	Emerald Engineers	30.11.2023
Elevations (shed)	2894822998	2 of 10	Emerald Engineers	30.11.2023
Elevations (shed)	2894822998	3 of 10	Emerald Engineers	30.11.2023
Floor Plan & Elevations (stable)	336 Petersham Road	2 of 3	Ben Lang	15.9.2005
Section & Elevations (stable)	336 Petersham Road	3 of 3	Ben Lang	15.9.2005

{Reason: To ensure that the development is undertaken in accordance with that assessed}

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. Activity on site

No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and/or
- b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

3. Application to be made in Planning Portal

Should Council be appointed as the Principal Certifier, an application for a Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

4. Landscaping Plan

Prior to the issue of a Construction Certificate a landscaping plan shall be submitted to and approved by Council.

The landscaping plan shall be drawn to scale and include:

- a) Minimum scale of 1:200
- b) Location of all proposed trees and shrubs
- c) The species of all proposed trees and shrubs
- d) Height and spread of selected species at maturity
- e) Irrigation measures

{Reason: to reduce the impact of the development on adjoining development}

PRIOR TO THE COMMENCEMENT OF WORKS

5. Insurance requirements under Home Building Act

The applicant shall obtain insurance under the Home Building Compensation Fund in accordance with the provisions of Part 6 of the Home Building Act 1989 and provide a copy to the Principal Certifier prior to the commencement of works.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

6. Notification of Home Building Act requirements

Residential building work within the meaning of the Home Building Act 1989 shall not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a) in the case of work for which a Principal Contractor is required to be appointed:
 - i) the name and licence number of the Principal Contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done 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 that Act, the number of the owner-builder permit

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work shall not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

7. On-site Sewer Management

A separate application under Section 68 of the Local Government Act 1993 shall be submitted to Council and approval obtained prior to the installation of the on-site sewer management system. The application shall be submitted through the NSW Planning Portal, with the relevant fees being paid.

{Reason: To ensure that the appropriate approvals are issued for an on-site-sewerage-management-system.}

8. Section 68 Approval

An application to carry out water supply, sewerage and stormwater drainage work, under Section 68 of the Local Government Act 1993 must be submitted through the NSW Planning Portal and approved by the consent Authority, prior to the commencement of work.

{Reason: To ensure the correct approvals under the Local Government Act 1993 have been issued.}

DURING BUILDING WORKS

9. Building Code of Australia

All building works shall be carried out in accordance with the Building Code of Australia.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

10. Construction hours

Construction work shall only be carried out within the following time:

Monday to Friday: 7.00 am to 6.00 pm

Saturday: 8:00am to 4:00pm

Sunday and public holidays: No construction work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

11. Public access to site

Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with SafeWork NSW publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by SafeWork NSW.}

12. Protection of public places

A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place. If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the Roads Act 1993 will need to be lodged with Council together with the associated fee.

{Reason: To ensure the protection of the surrounding public from all building related materials.}

13. Site signage

A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- a) The name, address and telephone number of the Principal Certifier for the work; and
- b) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

14. Temporary Closet Facility

Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

15. Erosion and sediment control - site

Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed, or earthworks are carried out.

{Reason: To ensure no detrimental effects are caused to Council infrastructure.}

16. Erosion and sediment control – vehicles

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

{Reason: To protect and council infrastructure and to ensure all system functions remain in good working order.}

17. Application under Section 138 of the Roads Act 1993

A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve, including the upgrading of access driveways for this development. An application must be submitted to Council and approved prior to commencement of works within the road reserve.

The Section 138 application is to include:

- a) Detailed construction plans, including a long section where appropriate.
- b) Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- c) A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

18. Construction vehicles

Vehicles used in the construction of the development are to be managed such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

19. Damage to public infrastructure

Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).

{Reason: Implementation of Council policy}

20. Stormwater drainage

The stormwater drainage system must be constructed to comply with the following requirements as a minimum:

- f) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.
- g) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
- h) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.

- i) All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.
- j) Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.

{Reason: To ensure stormwater is controlled adequately.}

21. Approved Plans

A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifier or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

22. Application for any Occupation Certificate

Application for any Occupation Certificate shall be submitted through the NSW Planning Portal and approved by the Principal Certifier prior to occupation of the building.

{Reason: Compliance with Clause 37 of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

23. Occupation

The premises shall not be occupied until the Occupation Certificate has been issued.

{Reason: Compliance with Clause 42 (3) of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

24. Rectification of damage to public infrastructure

Prior to the issue of any occupation certificate, any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

25. Sewer Service & Stormwater drainage diagrams

The contracted plumber as the "responsible person" must submit a Sewer Service Diagram (SSD) and stormwater drainage diagram to Leeton Shire Council as the delegated Water Authority, and the owner of the land or owner's agent for all plumbing and drainage work on a sanitary drainage system. The SSD is required to be submitted Prior to the issue of any Occupation Certificate. The plans must comply with the following requirements;

- a) A4 and A3 SSD Templates are available via the Fair Trading website
- b) For all drawings larger than A3 only PDF & AutoCAD versions are accepted using the correct Fair Trading SSD legend and sign off template.
- c) All drawn and required text information on the diagram must be complete and legible in a fine point black pen
- d) SSD must be drawn to a scale. Preferred scales are: 1:100; 1:200; 1:250; 1:500
- e) North point must be shown on the diagram
- f) Include only symbols and abbreviations as shown on the template legend
- g) All lettering and figures are to be drawn clear and legible
- h) Diagrams are only to show sanitary drainage up to the point of connection within the property boundary, property boundaries and building outlines
- i) Clearly show the sanitary drainage layout up to the point of connection within the property boundary indicating all internal points, external drainage, trade waste and any greywater treatment / diversion system up to the point of connection with the Network Utility Operator's sewer including any existing sanitary drainage remaining in use on the property

- j) Street name and number (for street frontage) and/or Lot number and DP (deposited plan) number.
- k) Suburb and municipality
- l) if there is no connection to a Network Utility Operator's sewer please label as private sewer, community title, onsite septic tank or AWTS etc.

{Reason: To comply with the requirement of NSW Fair Trading and Leeton Shire Council as the delegated Water Authority.}

26. Landscaping

Prior to the issue of any occupation certificate the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved landscape plan.

{Reason: to ensure quality of landscaping features}

OCCUPATION AND ONGOING USE

27. Use of building

The buildings shall not be used for commercial or industrial purposes or as a home industry or a home occupation without further development consent of Council.

{Reason: To prevent the unauthorised use of a building for a use that may not be permissible or is permissible with conditions.}

DRAFT

Dear Sir/Madam

SUBJECT: Objection to Development Application D49-2024

PREMISES: LOT 2 DP: 1260698, 336 Petersham Road Leeton



- Visual impact on our views is significant, it is an exceptionally large industrial sized shed at 30m x12m x 5.766m.
- The extra traffic down to this back block will impact both in noise and light disturbance.
- The further destruction of significant native trees in an environmental zoned block will reduce native wildlife.
- Visual impact upon visitors to the environmental wetlands which this development will border on.
- Why would you build a shed which is approximately three hundred metres away from the residence? Perhaps because the ultimate plan is to build a residence down there as well and then subdivide?



We feel that removing a further two trees (along with the trees which have already been destroyed before the DA being submitted) is detrimental to the environmental aspect of our properties. Especially considering that we border with the Fivebough and Tuckerbil Wetlands which under the Ramsar Convention are considered of International Importance for conserving biological diversity.

We are not sure why these extra trees are being removed since they are not in the footprint of the proposed shed site. The trees located on the property are a roosting location for a colony of Ibis birds. These birds have resided in those trees for longer than we have lived at our property. The neighboring open public space that was mentioned in the submission plays a significant role in a local ecosystem. Has an independent environmental impact study been undertaken by the council or the neighboring Fivebough Wetlands?

The Statement of Environmental Effects which was compiled by Clearsky Environmental Services quotes that it was put together based on the drawings supplied by Nigel Deaton. Surely this is a most unprofessional way to gather data in writing an Environmental Effect statement.

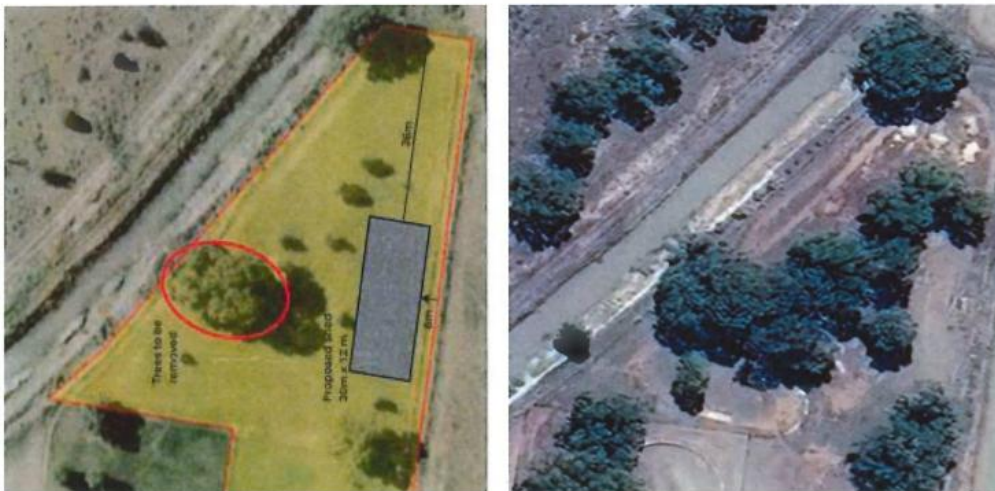
The statement has been prepared based on drawings by Nigel Deaton and is submitted for and on behalf of Nigel and Claire Deaton.



In section 3.1 in the document from CLEARSKY ENVIRONMENTAL SERVICES for this DA it states the below.

Two trees are proposed to be removed as part of the development on the rear eastern boundary.

Does this statement indicate that there are further plans to develop another building along this eastern edge?



Left Image from DA submission. Right Image more recent image showing size of trees already removed.

The image used by ClearSky for the submission would be pre-2008, [REDACTED]. The use of this image paints a very skewed picture of the size and maturity of the trees and the number of trees that were present prior to the removal.

In the above drawing the dimensions of the shed are 30m x 12m but in section 3.1 it states the shed is 30m x 8m, which one is correct?

How can a 30-metre shed be considered as having negligible visual impacts? [REDACTED]. The building of such a substantial shed will change the entire outlook from our property. There will be increased traffic and movement in that area. We can only imagine that lights from the building and vehicles will be observed from our location. We have enjoyed having privacy in our living spaces for the entire time we have lived in the area, this will be dramatically affected with the building of the shed. A shed of this size is larger than one would expect for a small holding. It is an industrial size and height. The height of the shed is 5.766m, in the Leeton Development Control Plan section D6.2 it states the below.

- e. The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the ridge height (peak) of the structure.

In the Leeton Local Environmental Plan 2014 for Zone C4 Environmental Living it states the below.

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.


In the development application supplied by Clearsky Environmental Services, the customer's name and site address is stated as below.


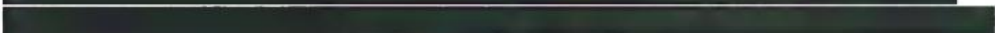
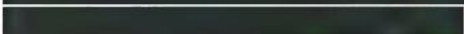
 CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO REGISTERED ENGINEER PROFESSIONAL ENGINEERING BOARD OF VICTORIA (PEB) Signature:  Date: 30.11.2023	Customer Name: Jamie Stonehouse Site Address: 88 Black Hill Road Gisborne South, VIC, 3437	DATE 30-11-2023 JOB NO. 2894822986 SHEET 6 of 10
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We noticed that in the shed floor plans there is a shower/toilet facility so we assume an oziclean or similar waste unit will be installed down there?

Leeton Local Environmental Plan 2014 Section 4a, b, c

The existing uses and approved uses of the land around the mentioned application site are residential and the larger sites are approved for dual occupancy. This site was previously subdivided from the size it held the dual occupancy status. Reviewing the design that was supplied it appears that they are installing a toilet and shower. Is the site approved for dual occupancy or granny flat style accommodation?

The storm water runoff and the treated water from the building design will that be captured and held on their site or will it drain into the recycle ditch and move on to our property. 

Referring to the State Environmental Planning Policy (Biodiversity and Conservation) 2021 along with Environmental Planning and Assessment Act 1979 (EPA Act) it states that the council is bound to conserve native animals and plants, ecological communities and their habitats. The removal of the previous trees that we contacted the council about along with the proposed removal does not align with this. Was there an Assessment to ascertain if any of the species present fell under the listed species in the Biodiversity Conservation Act 2016? By no means are we qualified to make these judgements and feel that this was not even a consideration given when the excavator started removing the trees.

The trees and shrubs which have already been removed is close to environmental vandalism. Pictured below are before and after shots of the front entrance of 336 Petersham Road.



Removing a lot of these trees/shrubs has completely destroyed any form of privacy screening in-between properties 336 and 334.

On Tuesday the 21st of May 2024 some surveying pegs have been placed on the property, are further plans in place for subdividing? When we purchased our property, we were told that we could have dual occupancy on the five-acre block.

[REDACTED], we consulted with the neighbors at the time and discussed the location. Initially we wanted our shed to be approximately fifteen metres further down the fence line, however this was going to impact on their view. A compromise was reached, and we agreed on a location and the DA passed through council smoothly.

[REDACTED]
[REDACTED] We would be deeply saddened if approval for this development is given the green light. It will turn this beautiful location into a semi urban landscape which we feel will devalue the unique conditions we currently enjoy.

Kind Regards,

[REDACTED]

Below are photos of what natural habitat has already been destroyed prior to any DA being submitted.





29 May 2024



General Manager
Leeton Shire Council
23-25 Chelmsford Place
LEETON 2705

ATTENTION JACKIE KRUGER

SUBJECT: Development Application DA 49/2024

I refer to the above development application (Lot 2 DP 1260698, 336 Petersham Road, Leeton [REDACTED]) I object to the proposed development as stated in the correspondence supplied to me:

1. Relocation of a horse stable

In 1995 the owner of 336 Petersham Road (Mrs T Cotter) applied to Leeton Council for the erection of the stables. The subject of this application. The proposal was that the stables be erected in a similar location to that being proposed now. Our objection to Council and Cotters was that this location would significantly impact our outlook [REDACTED]

With the help of a Leeton Council officer the Cotter's agreed to our request to not place the stable in a location to interrupt our view and on this basis the stable was approved for construction where it presently stands. Although I note on the plan supplied to us it was supposed to be a colorbond colour, not a zincalume type as constructed.

I note that in the Statement of Environmental Effects it is stated that this relocation would have negligible visual impact. I hardly think that this is quite right. I also note that a shed built [REDACTED] property at [REDACTED] Petersham Road, Leeton had been approved with the understanding that it would be built forward of the block to not obstruct the views of the wetland area. So I might suggest that a precedent has been set all be it only with resident acceptance.

2. Construction of a detached shed

The physical dimensions and the proposed location of new shed is such that [REDACTED] views of the wetland area would be significantly impacted.

How could a 30 x 12 x 5.7 metre shed to considered to have negligible visual impact. The extreme size of the shed is not consistent with other nearby sheds.

I note that in the Leeton Development Control Plan Section D6.2 it states that the scale of the ancillary building should be consistent with the present dwelling and should not be more than 4.5 metres high to the ridge height, both hardly consistent.

Page 2

I also note that in the Leeton Local Environment Plan 2014 for–

Zone C4 Environmental Living it states that the objective of the zone is to provide for low impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that any residential development does not have an adverse effect on those values.

On the plan for the shed that has been submitted I note that there is an allowance for a shower/toilet facility. Does this suggest that the shed will be used for living purposes or is the intention for a residence to be built alongside the shed. I am sure that if this was to be the case there would be considerable impact on the native animals habitat and the native plants that are located in the area.

3. Removal of 2 x trees

Am I to believe that there will be only two (2) trees to be removed or is this in addition to the significant amount of native trees that were destroyed to prepare the site for the development, which I believed according to the Biodiversity Conservation Act 2016 No 63 that some sort of approval should have been obtained as the Zone is C4 Environmental Living..

In conclusion I would like to point out that with what has been presented with the development application my overall view towards the wetlands would be substantially reduced and more importantly it would definitely have an adverse effect on my residential zone and impact on those values as mentioned in our Zone C4 Environmental Living.

Maybe, in the best interest of maintaining what is presently positive neighbourly living the Council and owners of the proposal could consider compromising to achieve an acceptable outcome.

I make reference to the neighbour notification letter and state that I do not wish to have my personal information published in development assessment reports or proposals in relation to this development application.

I thank you for the opportunity to submit my response to the development application. Should you wish to further discuss the matter I await your contact.

Yours faithfully



Attention: Jackie Kruger
Subject: Objection to Development Application DA 49-2024
Premises: 336 Petersham Rd Leeton

Dear Sir/Madam,

Thank you for the Notification regarding the proposed development on 336 Petersham Rd Leeton. Upon reading the proposed application for construction of a shed, relocation of horse stable and removal of two more trees we have the following concerns.

Listed in the proposed application in the matters for consideration all state environmental planning policies are listed as "Not applicable". I myself have found numeral matters that are applicable for such development. State Environment Planning Policy (Biodiversity and Conservation) 2021 2.1 (a) *to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

They are proposing to remove more trees and are now only seeking approval after they were told to stop by council as no prior approval had been received. I estimate around 8 trees have already been ripped out and mulched which are habitat to many Ibis that come to roost in those trees every evening as well as many other native species of birds from the Wetlands. I have attached a photo taken in the late afternoon which shows the numbers of Ibis that roost in the desired trees to be ripped out. This occurs every single night and I would be very saddened to see any more trees go from this area as so many native species of birds have already lost their home. Were these trees that have been removed of those that are of a threatened species and listed in the Biodiversity Conservation Act 2016? There was no consideration to preserve the land at all. The size of these trees that have already been removed and the trees that they are proposing to be removed are of significant size. These trees are on the Eastern border of the property which backs onto the Fivebough Wetlands which is protected under the Ramsar Convention so why are we not ensuring that we are conserving every single tree possible that habitat many different types of wildlife and conserve biological diversity. Has the Native Vegetation Panel and Department of Climate Change, Energy, the Environment and Water been notified of the clearing of vegetation without approval? What are the ramifications of this? Will the vegetation that has already been cleared without

prior approval be replaced with more mature trees? I am not sure why they are seeking to remove any more trees as the trees that are remaining are nowhere near the vicinity of any planned development that they are proposing.

I would like to hope that the Fivebough & Tuckerbil Wetlands Advisory Committee, NSW Crown Lands and Leeton and District Local Aboriginal Land Council have been made aware of the proposed development and the vegetation that has already been cleared. The Environmental Planning and Assessment Act 1979 states *“that the likely impacts of development including environmental impacts on both the natural and built environments and economic impacts on the locality”*. I would love to hear their thoughts on the clearing of vegetation and the proposed development. The Aboriginal Land Council has a strong relationship and obligations to country. The Fivebough Wetlands are actively cared for by Indigenous people who undertake environmental work within the wetlands, ensuring the management of the cultural sites within the Wetlands, heritage views, educational benefits and to ensure the effective management of the site to preserve ecological biodiversity outcomes. The LEP 2014 states under 6.6 *Wetlands to ensure that wetlands are preserved and protected from the impacts of development*. Surely, they should get a say on the matter. The environmental impact of what has already occurred on this property could have been managed and avoided again as it states in the LEP by the owners seeking prior approval but there was no consideration here.

I have attached before and after photos for your reference so you are aware of the extent of vegetation that has already been cleared without any prior approval.



Before clearing



After clearing.



Close up of the trees that have already been removed.



Ibis roosting in the two trees that they are proposing to rip out. [REDACTED]

Regarding the location of the shed and moving the stables I am unsure why a shed of such size needs to be located at the back of property and why stables need to be moved. We have since noticed, upon receiving the notification of the proposed DA that surveyors' pegs have been placed on the property [REDACTED]

[REDACTED] If this is the only reason a shed is to be built in that vicinity, for the property to be subdivided yet again is this going to be approved? Shouldn't such be approved first before gaining approval of the erection of a shed etc. [REDACTED]

[REDACTED]. How is allowing the property to be split again following the LEP 2014 where it states under our zoning C4 Environmental Living to *provide for low-impact residential development in areas with special ecological, scientific or aesthetic values*. Allowing 3 separate properties on a property that borders a Ramsar protected Wetlands that has international significance which used to be 1 property is absolutely not adhering to the objectives outlined in the LEP for our Zone C4.

We purchased our property acknowledging the views and ecological and aesthetic values of the property, [REDACTED] if they are approved to go ahead and build a house and or the shed how is this providing low-impact residential development within our area on which we are zoned?

The value of our land will be impacted and we believe any proposed development in the vicinity of the area in which they wish to build a shed and or house will have an adverse effect on the values listed under the objectives

of our zoning environmental living. We would be more than happy for the shed to be erected within closer proximity to the house like the rest of neighbouring properties have done in the past.

I have looked over the attached plans of the shed and have noticed that the peak of the shed listed on the plans has a peak of 5.7m, if the proposed is to go ahead as stated in the DCP 2022 D6.2 e; *The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high.* I am under the assumption that this will be enforced as the erection of a shed of such size will absolutely have a visual impact on our property. I have also noticed that in the plans of the shed there is a toilet, basin, shower etc however in the application it is listed that the development does not require connection to sewer? The plans of the shed are in a different name and the measurements of such shed are different from those used in the diagrams. Again, just more anomalies within the proposed paperwork that was prepared by Clearsky.

We have 180-degree views of the wetlands and neighbouring properties and are concerned for our privacy on both the proposed development of a shed and or a house. [REDACTED]

[REDACTED] Not to mention the noise that will come from 6 people, numeral domestic animals', numeral cars all of which will be on the boundary of protected Wetlands. Bird watchers come from near and far to visit the Wetlands and enjoy doing so in a quiet environment, how will allowing habitual structures so close to the protected wetlands inhabit this.

We are deeply saddened by this proposed development and hold concerns for the integrity of the Wetlands, wildlife, vegetation, our privacy and our property. We take our property in which we are zoned seriously and are very aware of the importance and significance all matters proposed can have on the close proximity of the Wetlands and conserving the integrity of the proposed land. We hope you take into consideration all matters that have been brought to your attention and value our point of view. We wish for the integrity of the land in the proposed area to remain as is and fully support a shed of allowed size to be erected within closer proximity of their current house like any other neighbouring property on Petersham Rd.

Regards,

[REDACTED]
[REDACTED]

Please note that we wish to keep our personal information private.

336 Petersham Road
LEETON NSW 2705

19 July 2024

Michael Peisley
Building Surveyor
Leeton Shire Council
23-25 Chelmsford Place
LEETON NSW 2705

Dear Michael,

Thank you for bringing the submissions DA49-2024 to our attention on the 1st July, 2024.

Firstly, Nigel and I would like to acknowledge our deep respect and love for native Australian flora and fauna and the natural environment which drew us to this particular property. Growing up across the road from 336 Petersham Road, I (Claire) spent my childhood exploring the Fivebough Wetlands with my family and our neighbours. It was then my great regard for conservation and the protection of special ecological sites such as Fivebough Wetlands began. I have passed these values on to my own children, we continue to regularly enjoy walks, bike rides and learnings about the fauna and Wiradjuri culture significant to wetlands with them.



Our family enjoying the Fivebough wetlands, photograph courtesy of Anne Lepper, Fivebough Wetlands Facebook page

We pride ourselves on preserving and enhancing the native environment. At our previous residence, 13 Lansdowne Road, we created an expansive native garden with the assistance of local expert, Alan McPhee, featuring 396 native plants and trees. Alan has extensive knowledge of the local area, spending most of his life here and working for some years at Wollongong Botanic Gardens. We share similar plans for 336 Petersham Road to honour the integrity of the land and give back to the existing special qualities of the property, ultimately providing a welcoming environment for local fauna.



Nigel and our son unpacking 396 native plants in Spring 2018



After planting in Spring 2018

Below, we have addressed the main concerns presented in the objections.

Visual impact - the colour of the shed monolith has been selected to blend in with existing surroundings and mitigate visual impact. Its deep grey tone works with an array of natural textures and harmonises with the environment. It is the same colour selection as the Budyaa Baarmirra Picnic Area shelter and the four bird shelters within the Fivebough Wetlands. The stables too will be painted in the colour monolith. In addition, as referenced in the landscape plan, mixed species native trees similar to and many the same as the existing trees on the property and in adjacent wetlands along with a variety of shrubs local to this environment will screen both structures, light and sound from neighbouring properties.



Colours used in the Budyaa Baarmirra Picnic Area, Fivebough Weltands to blend with nature

Extra traffic creating light and noise disturbance – there will be no ongoing noise increase, only during construction of the shed which will be weekdays and daytime hours. There will be no increase to the existing light and noise disturbances from our family.

Destruction of native trees – as highlighted above we have plans to regenerate our entire property this coming Spring. The 4 yellow box trees that have been removed by a qualified tree removalist (which are confirmed to have originated as saplings and were watered by the owners of 336 Petersham Road between 2004 and 2019) were only done so to allow for access to and for the erection of our shed. These will be replenished with the same or similar species. The referenced bottlebrush shrubs and rockery that were removed on the northern boundary next to our house were necessary to deal with an old grease trap on the fence line that was a snake, smell and mosquito hazard for both 336 and 344 Petersham Road properties. This area will also be replenished with native shrubs this Spring. Our property is still home to 17 established native trees. It must be addressed that the photographs that allegedly show destruction of the referenced native trees at the back of our property are undeniably misleading. Only one of these piles (the smaller one) is relevant to the back of our property and the 4 smaller yellow boxes that were removed. The other is a combination of non-native hedging that needed to be removed from right next to our house as they were a major mosquito hazard (Laurie Collins Bolten Pest Control will confirm this hazard if required); bottlebrush shrubs mentioned above that were diseased and removed due to rectifying the grease trap; a large stump that had been hit by lightning and destroyed prior to us purchasing the property, scrap wood from a large unused and neglected chook shed that had been left on the property and 6 old fruit trees.

Further destruction of significant native trees – after careful consideration we have withdrawn the request to remove a further two swamp box trees from the back of the property addressing any concerns for the colony of ibis' that intermittently roost there. They also reside in the other two large swamp box trees among the dense established tree barrier in the wetlands area (pictured).

Visual impact upon visitors to wetlands – the photograph below shows the dense established tree barrier within the wetlands which conceals the view of our property and the limited noise which would potentially come from our family. This along with the colour selection of our shed and stables and native plant screening will mitigate any visual impact upon visitors to the wetlands who we would assume are looking in the opposite direction towards the wetlands basin where the birds reside.

Views of the wetlands- the shed is planned to be erected directly in front of the land associated with the orange orchard on the south eastern corner which will have the least impact on neighbouring views of the wetlands. It is important to note that the views of the wetlands that are being referenced in the objections are of dense trees (pictured) not the actual wetlands which can only be seen from the walking tracks and bird viewing huts.



Dense established tree barrier. The speck of blue is the tarps where our shed is currently being stored. It is planned to be erected to the far right of this location behind the trees. Photograph taken from the wetlands walking track leading to Freckled Duck Shelter which is the closest to our property.

All policies that were referenced in the objections have been met and rectified in the SoEE which should be read in conjunction with our personal response.

Our values are strong and intentional as are our plans for our property. We invite anyone who shares any further concerns to come and meet with myself and Nigel to walk and enjoy our property in conjunction with the wetlands.

Regards,

C. Deaton

Claire Deaton on behalf of Claire and Nigel Deaton

E: claireandnigeldeaton@outlook.com

Ph: 0415285055

Dear Sir/Madam

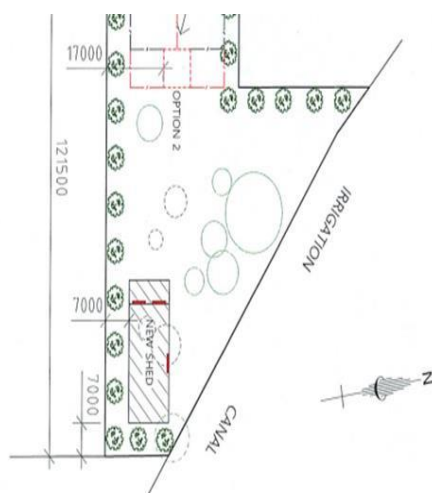
SUBJECT: Objection to Development Application D49-2024

PREMISES: LOT 2 DP: 1260698, 336 Petersham Road Leeton

We were saddened to receive an email [REDACTED] regarding the Development application. It appears that the feedback that we and that of the neighboring properties submitted back in May 2024 has had little if any impact on the resubmission. As previously mentioned in our last response we do not support the application and will not be supporting it in the new format. Our reasons are listed below.

We [REDACTED] have concerns and objections about the proposed DA.

- Visual impact on our views is significant, it is an exceptionally large industrial sized shed at 30m x12m x 5.766m.
- The extra traffic down to this back block will impact both in noise and light disturbance.
- The destruction of significant native trees in an environmental zoned block will impact native wildlife.
- Visual impact upon visitors to the environmental wetlands which this development will border on.
- Why would you build a shed which is approximately three hundred metres away from the residence? Perhaps because the ultimate plan is to build a residence down there as well and then subdivide?



Left Image from DA submission. Right Image more recent image showing size of trees already removed.

In the above drawing the dimensions of the shed are 30m x 12m, how can a 30-metre shed be considered as having negligible visual impacts? Our bedroom and entertainment room looks directly out over this area. The building of such a substantial shed will change the entire outlook from our property. There will be increased traffic and movement in that area. We can only image that lights from the building and vehicles will be observed from our location. We have enjoyed having privacy in our living spaces for the entire time we have lived in the area, this will be dramatically affected with the building of the shed. A shed of this size is larger than one would expect for a small holding. It is an industrial size and height. The height of the shed is 5.766m, in the Leeton Development Control Plan section D6.2 it states the below.

- e. The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the ridge height (peak) of the structure.

Regardless of what is to be stored in this shed it should meet the regulations of no more than 4.5mtrs from ground level to the peak, listed above.

In the Leeton Local Environmental Plan 2014 for Zone C4 Environmental Living it states the below.

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

The size and location of the shed will go against the objective of Zone C4 Environmental living stating that it will have low impact on the aesthetic value in that area.

We noticed that in the shed floor plans there is a shower/toilet facility so we assume an oziclean or similar waste unit will be installed down there. However, we cannot see in the application that this has been included.

Leeton Local Environmental Plan 2014 Section 4a, b, c

The existing uses and approved uses of the land around the mentioned application site are residential and the larger sites are approved for dual occupancy. This site was previously subdivided from the size it held the dual occupancy status. Reviewing the design that was supplied it appears that they are installing a toilet and shower. Is the site approved for dual occupancy or granny flat style accommodation?

The storm water runoff and the treated water from the building design will that be captured and held on their site or will it drain into the recycle ditch which flows on to our property. [REDACTED]

[REDACTED]

Referring to the State Environmental Planning Policy (Biodiversity and Conservation) 2021 along with Environmental Planning and Assessment Act 1979 (EPA Act) it states that the council is bound to conserve native animals and plants, ecological communities and their habitats. The removal of the previous trees [REDACTED] does not align with this. Was there an Assessment to ascertain if any of the species present fell under the listed species in the Biodiversity Conservation Act 2016? By no means are we qualified to make these judgements and feel that this was not even a consideration given when the excavator started removing the trees.

In the resubmission it states that the previous trees were removed to allow access for the shed and the shed itself. It is disappointing that the shed was delivered prior to the removal of the trees, it was stated that the trees were removed to allow access for the shed. The purchase and delivery of the shed along with removal of trees should not have taken place prior to a development application being submitted and subsequent approval by council.

On Tuesday the 21st of May 2024 some surveying pegs have been placed on the property, are further plans in place for subdividing? When we purchased our property, we were told that we have dual occupancy on the five-acre block.

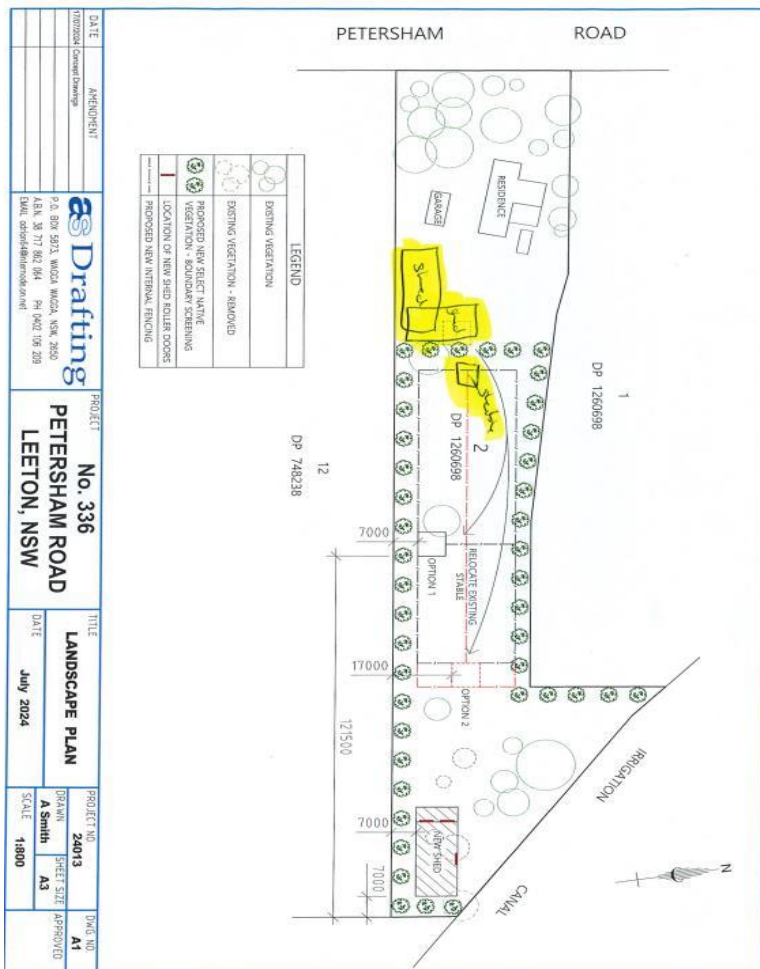
[REDACTED] we consulted with the neighbors at the time and discussed the location. Initially we wanted our shed to be approximately fifteen metres further down the fence line, however this was going to impact on their view. A compromise was reached, and we agreed on a location and the DA passed through council smoothly.

[REDACTED]
[REDACTED] We would be deeply saddened if approval for this development is given the green light. It will turn this beautiful location into a semi urban landscape which we feel will devalue the unique conditions we currently enjoy.

Kind Regards,

[REDACTED]

Please find below our suggestion for the location of stables and shed. This will keep the buildings in alignment with the neighboring properties and we would agree to these locations. The stables could then have fencing built from east to west on the site to split the paddock to accommodate the mares and foals.



Below are photos of what natural habitat has already been destroyed prior to any DA being submitted.





8th August 2024

General Manager
Leeton Shire Council
23-25 Chelmsford Place
LEETON NSW 2705

Attention: Ms Jackie Kruger

Dear Jackie

SUBJECT: Development Application DA49/2024
PREMISES: Lot 2 DP: 1260698, 336 Petersham Road, Leeton

Thank you for the opportunity to review and submit my submission to Council concerning the proposed amendments suggested by the development applicants.

1. Relocation of existing stables

Whilst my initial preference was for the stable to remain in its present location, I have noted that the Deatons have provided an alternative to their first preferred location (Option 1 in the landscape plan). Option 2 would provide an acceptable level of vision across the swamp area.

2. Planting of additional trees and bushes

The landscape plan now indicates that trees and bushes would be planted along the boundary of the block. I note that the original development application did not include this landscaping. My objection to this addition is based on the fact the entire view from my block [REDACTED] across to the swamp area, would be totally blocked as acknowledged by the neighbours in their submission

Please note that my concerns with the proposed development have not changed substantially from my original submission and given that there has now been an added impact on my property (boundary shrubbery and trees), I would ask for further consideration be given to a compromise.

Once again, I thank you for the opportunity to submit my response and look forward to more discussion.

Yours faithfully



Attention: Jackie Kruger
Subject: Objection to Development Application DA 49-2024
Premises: 336 Petersham Rd Leeton
9th August 2024
Dear Michael,

Thank you for providing an amended proposal regarding the proposed development on 336 Petersham Rd Leeton. As a land owner who has a 180-degree outlook of neighbouring properties as far as 3 properties down we still hold strong concerns for our property even with the amended proposal.

The property owners have addressed our concerns regarding the removal of more vegetation within the property but we feel the rest of our concerns have not been addressed. Has the council since followed up on the removal of the trees without any prior approval? I will keep the photos of the vegetation that was cleared without prior approval for your reference in this submission so you are able to see the impact that the missing trees has had on the ecological views of our property and so you are able to reference the number of trees that have been cleared and that the trees were absolutely taller than 5-6 metres which the new proposal states.

The new proposal has addressed the removal of any more vegetation within the property but still is listed as Not applicable. As it states in the SEPP which does permit removal of trees to maintain and construct infrastructure. There has been no approval for infrastructure so why was the vegetation cleared to allow for infrastructure before council received a submission for said infrastructure to be built. Why did the site clearing begin before this and why was the shed pre purchased before any application was submitted to council? We wish for all information regarding the clearing of the vegetation listed in our previous submission to be kept in mind when determining an outcome of the new proposal. We are unsure why this has been drawn out for such a long period of time, we have already submitted a submission to something that the property owners shouldn't have done and was that of such an ill-informed application with numeral anomalies now they have resubmitted another proposal after 8 weeks and the rest of what has occurred on the property is forgotten, why have they been given such a long-time frame to respond? We are now faced with having to yet again make another submission to a proposal that changes nothing for the concerns and values that we hold for our property.



Before clearing



After clearing.



Close up of the trees that have already been removed (these trees that you can see that were cleared are of those trees that were cleared for the shed including 2 large piles of mulch that were also from the trees from the back of the property, only 4 trees that were 5m high apparently).

Regarding moving the location of the shed further down and closer to a Ramsar protected Wetlands addressed none of our concerns. The shed will back onto the Eastern border of the protected Wetlands and not the orange orchard as stated in the property owners reply. The orange orchard begins directly behind property 332 Petersham Rd not 336 Petersham Rd like they are stating. The placement of the stables and proposing option 2 again is addressing none of the concerns we have. If they are proposing to move the stables to Option 2 it is the same as where they are currently positioned but in reverse so why move them at all? What they are proposing the reasoning is for the paddock to be split in two then run a fence line down the middle of the paddock where they are currently positioned or move them in the middle of the paddock in line where they currently are and the stables would then be separated. Why must everything be placed at the back of the property? Surveyors' pegs are still placed on the property and again I will note that [REDACTED]

[REDACTED] they are planning to build a house in the same vicinity of the proposed shed. Hence the proposed positioning of the relocation of the stables and the shed. If this is the only reason a shed is to be built in that vicinity, for the property to be subdivided yet again is this going to be approved? [REDACTED]

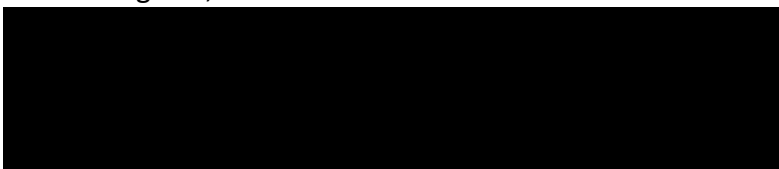
[REDACTED] How is allowing the property to be split again following the LEP 2014 where it states under our zoning C4 Environmental Living *to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.* Allowing 3 separate properties on a property that borders a Ramsar protected Wetlands that has international significance which used to be 1 property is absolutely not adhering to the objectives outlined in the LEP for our Zone C4.

We purchased our property acknowledging the views and ecological and aesthetic values of the property, [REDACTED] and if they are approved to go ahead and build a house and or the shed how is this providing low-impact residential development within our area on which we are zoned? The value of our land will be impacted and we believe any proposed development in the vicinity of the area in which they wish to build a shed and or house in years to come will have an adverse effect on the values listed under the objectives of our zoning environmental living.

The proposed shed still has a peak of 5.7m, stated in the DCP 2022 *D6.2 e; The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high*. I am under the assumption that this will be enforced as the erection of a shed of such size will absolutely have a visual impact on our property. I acknowledge the changes in the plans that the property owners have to replenish the property with shrubs and low-lying native grasses. How is planting low lying native grasses and shrubs going to screen a 12m wide 30m long 5.766m high shed? So, we feel that our concerns regarding the placement of the shed on the property have not been addressed as there is no possible way that planting shrubs and low-lying native grasses will screen a structure of such size in any way whatsoever. Our privacy concerns still remain as the shed positioning will be within clear view of our kitchen, dining, main living areas and outdoor living areas of our home. We would hold no concerns for a shed of such size to store items in and to be used for salami days and an extra play space for children to be positioned within a closer proximity to the dwelling on the property like the rest of the neighbouring properties on Petersham Rd which will allow for the ecological views of all neighbouring properties to be not impacted in any way.

Again, we are deeply saddened by this proposed development and hold concerns for the integrity of the Wetlands, wildlife, vegetation, our privacy and our property. We take our property in which we are zoned seriously and are very aware of the importance and significance all matters proposed can have on the close proximity of the Wetlands and conserving the integrity of the proposed land. We hope you take into consideration all matters that have been brought to your attention in both our submissions and value our point of view. We wish for the integrity of the land in the proposed area to remain as is and fully support a shed of allowed size to be erected within closer proximity of the current dwelling on the property like any other neighbouring property on Petersham Rd. We invite you to our property so you can see for yourself the impact that such development will have on our property.

Regards,



Please note that we wish to keep our personal information private and any relevant information that is specific to our identity regarding our submission to kept private.

ITEM 8.1.3. DEVELOPMENT APPLICATION - DA93-2024 (33 DAALBATA ROAD LEETON - PLACE OF PUBLIC WORSHIP - CHURCH)

AUTHOR/S: Environmental Health Office/ Building Surveyor

APPROVER/S: Manager Planning, Building and Health
Director Economic & Community Development

PROPOSAL: Place of public worship (church)

PROPERTY: Lot 92 DP 1289099

ADDRESS: 33 Daalbata Road, Leeton

APPLICANT: Anthony Daintith
c/- The Trustee for Leeton Gospel Trust

OWNER: J Donald, AB Dunn, SR Hester, LC Pagden &
RW Rendell

ZONING: R2 Low Density Residential

APPLICABLE PLANNING INSTRUMENT: Leeton Local Environmental Plan 2014

EXISTING DEVELOPMENT: Vacant land

APPLICATION DATE: 19 August 2024

REASON FOR REFERRAL: Three (3) objections received

SUMMARY/PURPOSE

Council has received a development application (**Attachment 1**) for a place of public worship (church) at Lot 92 DP 1289099, 33 Daalbata Road, Leeton.

The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025. Three (3) submissions were received opposing the development. A fourth submission was received after the closing date of the notification period.

As required under Part 8 of the Leeton Shire Council Development Application Objections Policy, where a Development Application is the subject of more than one objection, the matter will be submitted to Council for determination.

RECOMMENDATION

THAT Council grants consent to Development Application 93/2024 for a place of public worship (church) at Lot 92 DP 1289099 (33 Daalbata Road, Leeton), subject to the following conditions of consent.

GENERAL CONDITIONS

1. Approved Plans and Documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Title/Plan no:	Ref no:	Sheet no:	Revision:	Prepared by:	Dated:
Statement of Environmental Effects	33 Daalbata	-	1.0	Anthony Daintith Town Planning	7.8.2024
Site Plan	33 Daalbata	2	4	JCAD	7.8.2024
Floor Plan	33 Daalbata	4	4	JCAD	7.8.2024
Roof Plan	33 Daalbata	5	4	JCAD	7.8.2024
Elevations & Section	33 Daalbata	6	4	JCAD	7.8.2024
Landscape Plan	33 Daalbata	7	4	JCAD	7.8.2024

{Reason: To ensure that the development is undertaken in accordance with that assessed}

2. Hours of Operation

The approved hours of operation for this development are:

Monday 7pm to 8pm

Sunday 6am to 7am

{Reason: To protect and preserve the amenity of the surrounding locality}

3. Noise Levels

Noise from the use of the place of public worship (L_{Aeq}) shall not exceed the background noise level (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.

{Reason: Council requirement to prevent the generation of a noise nuisance}

4. Intrusive Noise

The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any intrusive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.

Should Council consider intrusive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustic consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the acoustic consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

{Reason: To protect the amenity of the surrounding environment and compliance with the Protection of the Environment Operations Act 1997.}

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Activity on Site

No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and/or
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

6. Application to be made in Planning Portal

Should Council be appointed as the Principal Certifier, an application for a Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

7. Off-street Parking

Off-street parking is to be provided for a minimum of 14 vehicles, including 1 for disabled persons. The design and layout of off-street parking facilities shall be in accordance with AS/NZS 2890.1:2004 - *Parking facilities - Off-street car parking* and AS/NZS 2890.6:2009 - *Parking facilities - Off-street parking for people with disabilities*.

Full details are to be included in the documentation for a Construction Certificate application.

{Reason: to provide car parking spaces commensurate with the level of development.}

8. Sealing of vehicle manoeuvring areas

All internal driveway, parking areas and vehicular turning areas shall be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

Full details are to be included in the documentation for a Construction Certificate application.

{Reason: to provide a surface that will withstand the proposed traffic movements and to suppress dust levels so as not to cause a nuisance to adjoining properties.}

9. Landscaping Plan

Prior to the issue of a Construction Certificate a landscaping plan shall be submitted to and approved by Council.

The landscaping plan shall be drawn to scale and include:

- a) Minimum scale of 1:200
- b) Location of all proposed trees and shrubs
- c) The species of all proposed trees and shrubs
- d) Height and spread of selected species at maturity
- e) Irrigation measures

{Reason: to reduce the impact of the development on adjoining development}

10. Lighting

The proposed outdoor lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light or detract from the amenity of surrounding properties in accordance with *Australian Standard 4282:1997 - Control of the obtrusive effects of outdoor lighting*.

Full details are to be included in the documentation for a Construction Certificate application.

{Reason: To protect and preserve the amenity of the surrounding locality}

PRIOR TO THE COMMENCEMENT OF WORKS

11. Section 68 Approval

An application to carry out water supply, sewerage and stormwater drainage work, under Section 68 of the *Local Government Act 1993* must be submitted through the NSW Planning Portal and approved by the consent Authority, prior to the commencement of work.

{Reason: To ensure the correct approvals under the Local Government Act 1993 have been issued.}

12. Floor Level

The finished floor level of the proposed building shall be constructed to a height of not less than the Australian Height Datum to allow for a minimum of 300mm freeboard above a 1:100 Average Recurrence Interval flood event.

The applicant is to engage a registered surveyor to establish the finished floor level height prior to the construction of the floor. The registered surveyor is to submit a report to the Principal Certifier, confirming that the FFL is a minimum of 300mm above the 1:100 Average Recurrence Interval flood event, at time of either the concrete floor slab inspection or the floor frame inspection.

{Reason: To ensure that the floor level is above the required floor level for the 1% AEP flood event}

DURING BUILDING WORKS

13. Building Code of Australia

All building works shall be carried out in accordance with the Building Code of Australia.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

14. Construction hours

Construction work shall only be carried out within the following time:

Monday to Friday: 7.00 am to 6.00 pm

Saturday: 8:00am to 4:00pm

Sunday and public holidays: No construction work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

15. Public Access to Site

Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with SafeWork NSW publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by SafeWork NSW.}

16. Protection of Public Places

A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place. If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the Roads Act 1993 will need to be lodged with Council together with the associated fee.

{Reason: To ensure the protection of the surrounding public from all building related materials.}

17. Site Signage

A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- a. The name, address and telephone number of the Principal Certifier for the work; and
- b. The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c. That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

18. Temporary Closet Facility

Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

19. Erosion and Sediment Control - Site

Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed, or earthworks are carried out.

{Reason: To ensure no detrimental effects are caused to Council infrastructure.}

20. Erosion and Sediment Control – Vehicles

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

{Reason: To protect and council infrastructure and to ensure all system functions remain in good working order.}

21. Access driveway

The existing access driveway from Daalbata Road is to be removed and reinstated with a new access driveway constructed in accordance with the Leeton Shire Council Engineering Guidelines and DCP (Part J 2.1), including;

- a. Maximum width of six meters with a cut-out of the kerb and gutter and be constructed in accordance with Council's Engineering Guidelines, DCP and Standard Drawing numbers RS-049 and RS-050 with Council's Notes.
- b. The alignment of the access driveway across the verge shall be at right angles to the road.
- c. The access driveway shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense.
- d. The access driveway shall be of reinforced concrete with adequate thickness to accommodate light truck loading.
- e. The access driveway shall be provided with a non-slip finish.
- f. The access driveway shall meet Australian Standard 2890.1 for vertical clearance.
- g. The verge adjacent to either side of the access driveway shall be reinstated to surrounding conditions and finished flush with the new vehicle access driveways.
- h. Prior to sealing or concreting the driveways, notice must be made to council for inspection of completed gravel surface and formwork.

Advisory Note:

The installation of the vehicle access driveway is an approved structure in accordance with Section 138 of the *Roads Act 1993*. The ongoing maintenance and/or repair of the vehicle access driveway is the responsibility of the adjoining owner in accordance with Section 142 of the *Roads Act 1993*.

{Reason: to provide for a suitable vehicular access to the development in accordance with Council's minimum standards and minimise impact on pedestrian access facilities.}

22. Application under Section 138 of the Roads Act 1993

A separate Council approval under Section 138 of the *Roads Act 1993* is required prior to any works commencing within the road reserve, including the upgrading of access driveways for this development. An application must be submitted to Council and approved prior to commencement of works within the road reserve.

The Section 138 application is to include:

- a. Detailed construction plans, including a long section where appropriate.
- b. Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20M. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.

- c. A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.32009 and the RMS current version of the "Traffic Control at Worksites" manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

23. Construction vehicles

Vehicles used in the construction of the development are to be managed such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

24. Damage to public infrastructure

Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).

{Reason: Implementation of Council policy}

25. Stormwater drainage

The stormwater from the proposed development is to be directed to the Council's existing drainage system along Daalbata Road.

The legal point of stormwater discharge for the development is on the Council's existing drainage system. A method of routing this stormwater must be determined. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:

- a. All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.
- b. All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.
- c. Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- d. All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.
- e. Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.

{Reason: To ensure stormwater is controlled adequately.}

26. Approved Plans

A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifier or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

27. Application for any Occupation Certificate

Application for any Occupation Certificate shall be submitted through the NSW Planning Portal and approved by the Principal Certifier prior to occupation of the building.

{Reason: Compliance with Clause 37 of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

28. Occupation

The premises shall not be occupied until the Occupation Certificate has been issued.

{Reason: Compliance with Clause 42 (3) of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

29. Developer Contributions

In accordance with Leeton Shire Council Developer Contribution Plan (Fixed Levy – Section 7.12), the applicant shall pay the following levy:

- a. Amount of Levy
\$2,737 (1.0% of the development cost)
- b. Timing and Method of Payment
The levy shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifier prior to the issue of any occupation certificate.
- c. Indexing
The levy will be adjusted in accordance with the requirements of the Leeton Shire Councils Developer Contribution Plan (Fixed Levy – Section 7.12)

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire.}

30. Final Fire Safety Certificate

Prior to the issue of any occupation certificate, a Final Fire Safety Certificate issued by an appropriately qualified person shall be obtained for all the Essential Fire Safety Measures installed in the building. A copy of the Fire Safety Certificate shall be submitted to the Commissioner of NSW Fire Brigade and Council and prominently displayed in the building.

{Reason: To ensure compliance with Section 41 & 85 of the Environmental Planning and Assessment Development Certification & Fire Safety Regulation 2021.}

31. Sewer Service & Stormwater Drainage Diagrams

The contracted plumber as the “responsible person” must submit a Sewer Service Diagram (SSD) and stormwater drainage diagram to Leeton Shire Council as the delegated Water Authority, and the owner of the land or owner’s agent for all plumbing and drainage work on a sanitary drainage system. The SSD is required to be submitted Prior to the issue of any Occupation Certificate. The plans must comply with the following requirements;

- a. A4 and A3 SSD Templates are available via the Fair Trading website

- b. For all drawings larger than A3 only PDF & AutoCAD versions are accepted using the correct Fair Trading SSD legend and sign off template.
- c. All drawn and required text information on the diagram must be complete and legible in a fine point black pen
- d. SSD must be drawn to a scale. Preferred scales are: 1:100; 1:200; 1:250;1:500
- e. North point must be shown on the diagram
- f. Include only symbols and abbreviations as shown on the template legend
- g. All lettering and figures are to be drawn clear and legible
- h. Diagrams are only to show sanitary drainage up to the point of connection within the property boundary, property boundaries and building outlines
- i. Clearly show the sanitary drainage layout up to the point of connection within the property boundary indicating all internal points, external drainage, trade waste and any greywater treatment / diversion system up to the point of connection with the Network Utility Operator's sewer including any existing sanitary drainage remaining in use on the property
- j. Street name and number (for street frontage) and/or Lot number and DP (deposited plan) number.
- k. Suburb and municipality
- l. if there is no connection to a Network Utility Operator's sewer please label as private sewer, community title, onsite septic tank or AWTS etc.

{Reason: To comply with the requirement of NSW Fair Trading and Leeton Shire Council as the delegated Water Authority.}

32. Rectification of Damage to Public Infrastructure

Prior to the issue of any occupation certificate, any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

33. Sealing of Vehicle Manoeuvring Areas

Prior to the issue of any Occupation Certificate, the sealing of all internal driveways, parking areas, vehicular turning areas and access driveway required under conditions 8 and 21 shall be completed.

{Reason: to provide a surface that will withstand the proposed traffic movements and to suppress dust and noise levels so as not to cause a nuisance to adjoining properties.}

34. Parking Spaces

Prior to the issue of any Occupation Certificate, delineation and signage shall be provided to distinguish designated parking spaces.

{Reason: to provide car parking spaces commensurate with the level of development.}

35. Landscaping

Prior to the issue of an occupation certificate the proposed landscaping shall be completed.

{Reason: To maintain and improve the aesthetic quality of the development}

ONGOING USE

36. Maintenance

The sealing of the vehicle access driveway is to be always maintained.

{Reason: to ensure the access remains suitable and the road reserve is maintained safe with no obstructions.}

37. Annual Fire Safety Statement

The owner of the building shall ensure the Essential Fire Safety Measures are inspected and an Annual Fire Safety Statement issued. A copy of the Annual Fire Safety Statement shall be submitted to the Commissioner of NSW Fire Brigade and Council and prominently displayed in the building.

{Reason: To ensure compliance with Part 12 of the Environmental Planning and Assessment Development Certification & Fire Safety Regulation 2021.}

REPORT

(a) Background

Proposed Development

Anthony Daintith Town Planning, acting on behalf of the property owners, lodged a development application (DA93/2024) on 19th August 2024.

The application (**Attachment 1**) seeks development consent for a place of public worship (church) at Lot 92 DP 1289099, 33 Daalbata Road, Leeton. The proposed development includes the following:

- Construction of a place of public worship (church) containing toilets, hall, meeting room and a drive through garage with building footprint 141m²,
- Construction of concrete driveway areas and a car parking area behind the church,
- Provision of 15 car parking spaces,
- Landscaping throughout the site including the side and rear boundaries and front setback area, and
- Two services to be held each week – Monday 7pm – 8pm
Sunday 6am – 7am

The applicant has submitted the following to explain the purpose of the proposed place of public worship:

The proposal submitted is for a "subdivisional" meeting room. For the last 50 years + these meeting rooms are only ever used for two occasions during the week – Sunday morning 6am Communion Meeting and Monday night 7pm Prayer Meeting. Both meetings would last approximately 30-40 minutes and are attended by approximately 30 – 40 parishioners or approximately 9-11 family units. The service at 6am Sunday isn't flexible, is very important to us and has been held at this time by all parishioners for the last 50 years globally (apart from during COVID lockdowns etc.)

Figure 1: illustrates the proposed development.



A Pre-DA meeting was held on 19 July 2024 with representatives of the church to discuss a development similar to this current application.

Site Characteristics

The subject site is legally identified as Lot 92 DP 1289099 and is known as 33 Daalbata Road, Leeton. Refer Figure 2 for a location map.

The subject site is rectangular in shape with a frontage to Daalbata Road of 24.7m side boundaries 50.3m and an area of 1,242m². There is a 3m wide easement to drain sewage and water along the southern side boundary. No other restrictions or covenants are known to affect the subject site.

The site slopes from the rear boundary to the front boundary. Vehicular access is available from the Daalbata Road carriageway. Reticulated water supply, sewerage, electricity and telecommunications are available to the site.

The properties adjoining the side and rear boundaries are of a similar size (1,157m²– 1,592m²) and contain single dwellings and detached outbuildings. Opposite the subject site is residential development and small rural holdings:



Figure 2: Site Location

Existing Development

Council records indicate that there is one development application relating to the site:

DA 67/2021 – One (1) into three (3) Lot Subdivision. Determined 17.6.2021.

The subject site (Lot 92 DP 1289099) was created by the subdivision of Lot 901 DP 725675 under DA67/2021. After the registration of the subdivision of Lot 901 on 20 December 2022, the existing dwelling on Lot 901 was then located on Lot 93 DP 12809099 and became known as 31 Daalbata Road. The subdivision also created the subject site (Lot 92) and Lot 93 (30 Tulipwood Rd) as vacant allotments.

(b) Discussion

An assessment of the development application has been completed, pursuant to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment report is available at (**Attachment 2**).

Land Use Zoning

The subject site is zoned R2 Low Density Residential as shown on the Land Zoning Map - 4750_COM_LZN_014E_010_20210420 referenced in the Leeton Local Environmental Plan 2014 (LLEP 2014).

Objectives of R2 Low Density Residential zone

The proposed development is considered to be satisfactory in regard to the objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

Permissibility

Places of public worship are permitted with consent in the R2 Low Density Residential zone. The LLEP 2014 defines a place of public worship as “*a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training*”.

LLEP 2014 Clauses

4.3 Height of Buildings

The maximum building height for the subject site is 8.5 metres.

The proposed building does not exceed 8.5m in height (5.0m).

4.4 Floor Space Ratio

The maximum floor space ratio (FSR) for the subject site is 0.50.

The FSR of the proposed development (0.11) does not exceed the prescribed FSR (0.50).

5.10 Heritage Conservation

The subject site does not contain a heritage item nor is it within a heritage conservation area. However, a heritage item with local significance exists within vicinity of the subject site (37 Daalbata Road).

Item 178 - House (former Henry Lawson Cottage) 37 Daalbata Road Lot 21 DP 1015345

The proposed development is not considered to generate any significant impacts with respect to the heritage item. The existing space around the heritage item, that enables its interpretation, is retained. Significant views and lines of sight to the heritage item are unaffected by the proposed development.

A search was conducted through the Aboriginal Heritage Information Management System (AHIMS), which indicated for the location of the subject site that;

- No aboriginal sites are recorded, and
- No aboriginal places have been declared.

5.21 Flood Planning

The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.

6.1 Earthworks

The proposed development is considered to be satisfactory in regard to the objectives for earthworks.

6.12 Essential Services

Satisfactory arrangements can be made for the provision of the listed essential services (water, sewer, stormwater, electricity and vehicular access) for the proposed development.

Submissions

The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

Three (3) submissions (**Attachment 3**) were received during the notification period that closed on 6th September 2024. An additional submission was also received on 23rd September 2024.

The applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development.

Subsequently, the applicant submitted a response to the submissions (**Attachment 4**).

The submissions raised the following matters:

Traffic Impacts

Assessing Officer's Comments: The use of the proposed development is considered to generate additional traffic movements in the vicinity of the subject site. However, the impact from the traffic movements is considered to be acceptable, given the scale of the development and the limited operating hours of the facility. The proposed development will have a negligible impact on the adjacent road network.

Parking

Assessing Officer's Comments: Car parking for the proposed development is provided in accordance with the rates set out in Table 5 of Part J1.5 of the Leeton Development Control Plan 2022.

Acoustic Impact

Assessing Officer's Comments: The use of the facility from 7pm to 8pm Mondays is considered to potentially generate noise that would be consistent with residential uses in the vicinity of the subject site.

The use of the church hall from 6am on Sundays is considered to potentially generate noise that could disturb residents in the vicinity of the subject site. However, the impact from those activities is considered to be acceptable for the following reasons;

- the small scale of the development,
- the limited operating hours of the facility,
- the design of the facility, and
- the separation between the facility and adjacent dwellings,

A condition will be included in the consent stipulating that noise arising from the development shall be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Streetscape

Assessing Officer's Comments: An assessment of the application concluded that the proposed development will not have a detrimental impact on the surrounding streetscape. The façade of the proposed development is similar to a single storey dwelling and the front setback is consistent with those of adjacent properties.

Loss in value of property

Assessing Officer's Comments: The potential future economic loss, due to the impacts generated by the proposed development, is not considered to be a relevant matter in the assessment of the development application. The potential effects on property values are not easily quantifiable as they are subject to market forces and a wide range of other factors.

(c) Options

THAT Council:

1. Approves the application with recommended conditions. ***This is the recommended option.***
2. Approves the application with additional and/or amended conditions.
3. Refuses the application. ***Reasons for the refusal will need to be specified.***

IMPLICATIONS TO BE ADDRESSED

(a) Financial

There are no adverse financial implications for Council through adopting the recommendation. If the application were to be refused, legal costs may be incurred should proceedings be commenced in the Land & Environment Court.

(b) Policy

The application has been notified and assessed in accordance with the following policies:

Leeton Development Control Plan 2022
Leeton Shire Council Community Engagement Strategy 2022 - 2025
Leeton Shire Council Development Application Objections Policy.
Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12)

(c) Legislative/Statutory

The application has been assessed in accordance with the following statutory documents:

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
Leeton Local Environmental Plan 2014
Protection of the Environment Operations Act 1997
Protection of Environment Operations (Noise Control) Regulation 2017

(d) Risk

The development application has been assessed in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979*.

There is not considered to be any undue risks associated with Council determining to adopt the recommendation. If the application were to be refused, proceedings may be commenced in the Land and Environment Court. Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, the proponent has the right to appeal to the Land and Environment Court within six (6) months after the date on which they receive the notice of determination.

It is noted that staff involved in the assessment of the development application have declared that they do not have any conflicts of interest.

CONSULTATION

(a) External

The application was placed on public notification. This included notifying adjoining landowners.

(b) Internal

General Manager

[LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN \(DPOP\)](#)

DELIVERY PROGRAM

5. Planning, Building and Public Health

5.2 Provide helpful, friendly and timely planning and building assessment services for development application, including development approvals (DAs); construction certificates (CCs), occupation certificates (OCs), planning certificates (PCs) and complying development certificates (CDCs) in compliance with the environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021)

5.3 Collect developer contributions and review developer contribution plans

a) Section 7.12 of the NSW EP&A Act (development levies)

b) Section 64 of the NSW LG Act (headworks levies)

This is in accordance with the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*

OPERATIONAL PLAN

5. Planning Building and Health

5.2 Provide timely planning and building assessment services

5.2.1 Provide timely, accurate and professional development services to the Shire

5.3 Collect developer contributions and review developer contribution plans

5.3.3 Levy development contributions (under s7.12 of *Environmental Planning and Assessment Act 1979*)

[ATTACHMENTS](#)

1. Attachment 1 - DA Plans & SOEE - D A 93-2024 - 33 Daalbata Road Leeton [**8.1.3.1** - 34 pages]
2. Attachment 2 - Assessment Report - DA 93-2024 - 33 Daalbata Rd Leeton [**8.1.3.2** - 49 pages]
3. Attachment 3 - Submissions - D A 93-2024 - 33 Daalbata Rd Leeton [**8.1.3.3** - 4 pages]
4. Attachment 4 - Response to Submissions - D A 93-2024 - 33 Daalbata Rd Leeton [**8.1.3.4** - 3 pages]



33 DAALBATA ROAD, LEETON, NSW

LEETON SHIRE COUNCIL Ordinary Council Meeting Tuesday 29 October 2024

SITE NOTES

- 1 - BUILDER IS TO VISIT THE SITE AND INFORM HIMSELF OF SCOPE OF WORK PRIOR TO COMMENCING.
- 2 - BUILDER TO VERIFY ALL BOUNDARY DIMENSIONS PRIOR TO SETTING OUT PROJECT.
- 3 - SITE TO BE SCRAPED/CLEARED OVER PROPOSED BUILDING AREA.
- 4 - DRAINER/PLUMBER MUST REFER TO START WORK NOTICE FOR SEWER POINT LOCATION.
- 5 - SEWERAGE AND SILAGE TO CONNECT TO SEWERAGE MAINLINE AS DIRECTED BY LOCAL COUNCIL.
- 6 - BUILDING SETBACK TO VERIFIED ON SITE. ANY DISCREPANCIES TO BE REPORTED TO JCAD DESIGN BEFORE CLEARING OF SITE.
- 7 - ANY DISCREPANCY FOUND IN DRAWING ARE TO BE REPORTED TO THE JCAD DESIGN BEFORE COMMENCING WORKS.

NOTES

- 1 - ALL MATERIALS AND WORK PRACTICES SHALL COMPLY WITH THE CURRENT BUILDING CODE OF AUSTRALIA, ALL WORK MUST ALSO COMPLY WITH LOCAL COUNCIL REGULATIONS.
- 2 - WATERPROOFING OF WET AREAS SHALL BE IN ACCORDANCE WITH AS3740 - 2004: WATERPROOFING OF WET AREAS WITHIN RESIDENTIAL BUILDINGS.
- 3 - STEP SIZES (OTHER THAN SPIRAL STAIRS) TO BE:
 - RISERS(S) 190mm MAX. AND 115 MIN. GOING(S) 355mm MAX. & 240 MIN.
- 4 - ALL TREADS, LANDINGS AND ALIKE TO HAVE NON SLIP FINISH OR SUITABLE NON SKID STRIP NEAR EDGE OF NOSING.
- 5 - ALL GLAZING TO COMPLY WITH AS1288 - 2006 OR TO OTHER RELEVANT CODES.
- 6 - WINDOW SIZES NOMINATED ARE NOMINAL ONLY. ACTUAL SIZE MAY VARY ACCORDING TO THE MANUFACTURER.
- 7 - THE BUILDING IS TO HAVE ADEQUATE TERMITE PROTECTION IN ACCORDANCE WITH THE PRINCIPAL CERTIFYING AUTHORITIES REGULATIONS.
- 8 - ALL STORMWATER TO BE TAKEN TO THE LEGAL POINT OF DISCHARGE TO THE RELEVANT AUTHORITIES APPROVAL.
- 9 - THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANTS DRAWINGS/DETAILS AND WITH ANY OTHER WRITTEN INSTRUCTIONS ISSUED IN THE COURSE OF THE CONTRACT.
- 10 - THE BUILDER SHALL TAKE ALL STEPS NECESSARY TO ENSURE THE STABILITY AND GENERAL WATER TIGHTNESS OF ALL NEW/EXISTING STRUCTURE DURING THE WORKS.
- 11 - ALL LEVELS, DIMENSIONS, ASPECTS, AREAS ETC ARE TO BE CONFIRMED BY OWNER/BUILDER BEFORE COMMENCING WORKS.
- 12 - INSTALLATION OF ALL SERVICES SHALL COMPLY WITH THE RESPECTIVE SUPPLY AUTHORITY REQUIREMENTS.
- 13 - THE BUILDER/SUBCONTRACTOR SHALL ENSURE THAT ALL STORMWATER DRAINS, SEWER PIPES AND ALIKE ARE LOCATED AT A SUFFICIENT DISTANCE AWAY FROM ANY BUILDINGS FOOTING AND/OR SLAB EDGE BEAMS SO AS TO PREVENT GENERAL MOISTURE PENETRATION, DAMPNESS, WEAKENING AND UNDERMINING OF ANY BUILDING AND ITS FOOTING SYSTEM.
- 14 - ANY MASONRY MUST COMPLY WITH RELEVANT CODE. PROVIDE WEEPHOLES TO BASE OF ALL BRICK VENEER WALLS AND ABOVE EXTERNAL BRICK VENEER WALL OPENINGS AT EVERY 4th PERPEND.
- 15 - BUILDER TO PROVIDE ALL LABOUR, MATERIALS, FITTINGS, PLANT, TOOLS, PERMITS, INSURANCES ETC. NECESSARY FOR THE PROPER COMPLETION OF THE WORK AND ENSURE THAT ALL LABOUR AND MATERIALS IN ALL TRADES ARE THE BEST OF THEIR RESPECTIVE FIELDS.
- 16 - BUILDER IS TO VISIT THE SITE AND INFORM HIMSELF OF SCOPE OF WORK PRIOR TO COMMENCING.
- 17 - FOLLOWING FIGURED DIMENSIONS ON THE DRAWINGS. CHECK AND VERIFY DIMENSIONS PRIOR TO STARTING ANY WORK.
- 18 - BUILDING SETBACKS AND DIMENSIONS TO BE VERIFIED BY SURVEYOR PRIOR TO COMMENCING ANY WORK.
- 19 - MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH RELEVANT CODES AND COUNCIL REQUIREMENTS.
- 20 - OWNER/BUILDER TO CONFIRM SERVICE LINES (GAS, WATER PIPES ETC.) BEFORE COMMENCING WORKS.
- 21 - DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS WILL TAKE PRECEDENCE. ANY DISCREPANCIES SHALL BE RESOLVED BEFORE THE ORDERING AND/OR PLACING OF ANY MATERIALS.
- 22 - ALL DIMENSIONS ARE IN MM OTHERWISE STATED.
- 23 - GROUND LINES ARE INDICATIVE ONLY AND MUST BE VERIFIED ON-SITE.

NOTES

FLOOR COVERINGS -
GARAGE - CONCRETE (SMOOTH FINISH)
LIVING AREAS - TILED TO CLIENTS SPECIFICATIONS
WET AREAS - TILED TO CLIENTS SPECIFICATIONS

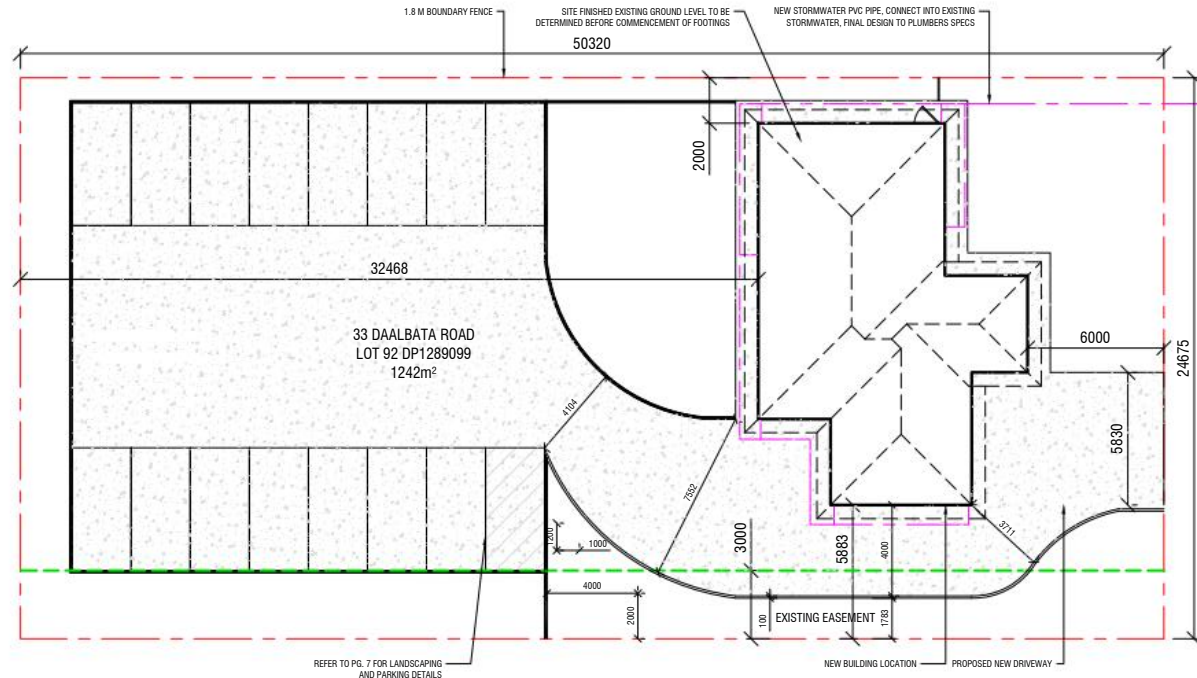
STORMWATER - 90mm PVC STORMWATER, FINAL DESIGN TO PLUMBERS DESIGN.

DENOTES CONCRETE DRIVEWAY (SMOOTH FINISH). 900mm WIDE FOOTPATH AROUND HOUSE.

JCAD DESIGN RELIES ON SURVEY PROVIDED FOR SITE BOUNDARIES, LEVELS, EASEMENTS, SERVICES ETC.
IF PROFESSIONAL SURVEY NOT GIVEN ALL OF THE ABOVE ARE ASSUMED OWNER SHOULD CHECK ANY INCONSISTENCIES PRIOR TO COMMENCEMENT OF ANY WORK ON SITE.

DRAWING INDEX		
#	Drawing Name	Revision
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2	Site Plan	4
3	CC Notes	4
4	Floor Plan	4
5	Roof Plan	4
6	Elevations and Sections 1	4
7	Landscape and Exterior Plan	4
8	Electrical and Lighting	4

TOTAL AREA		
ZONE	AREA m ²	SQUARES sq
Portico	8.2m ²	0.9sq
Main Building	96.7m ²	10.4sq
Garage	36.0m ²	3.9sq
Total Floor	140.9m ²	15.1sq
Roof Area	184.0m ²	19.8sq



#	Date	Description	By
1	22/05/2024	For Preliminary Issue	JN
2	31/05/2024	For Preliminary Issue	JN
3	10/06/2024	D.A Issue	JN
4	07/08/2024	D.A Issue - Assessable toilet altered	JN

SCALE 1:200

DRAWING NUMBER
2
DRAWING TITLE
SITE PLAN

ISSUE NO.
4 - D.A Issue
PROJECT
Leeton Community Center
33 DAALBATA ROAD, LEETON, NSW
jason@jcadesign.com.au
PH: 0421035287



LEETON SHIRE COUNCIL Ordinary Council Meeting Tuesday 29 October 2024

Section A General Provisions

Vol. 2 Part 1.3, Clause 1.3.2 Classifications:

CLASS 10: A non-habitable building being a private garage, carport, shed, or the like.

Section C Fire Separation

Part 3.7.1 Fire Separation

3.7.1.1 Application: Compliance with this Part satisfies Performance Requirement P2.3.1 for fire separation.

3.7.1.2 General Concession - Non-combustible materials

The following materials, though combustible or containing combustible fibres, may be used wherever a non-combustible is required in the Housing Provisions:

- (a) plasterboard, and
- (b) perforated gypsum lath with a normal paper finish, and
- (c) fibrous-plaster sheet, and
- (d) fibre-reinforced cement sheeting, and
- (e) pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thick and where the Spread-of-Flame Index of the product is not more than 0; and
- (f) bonded laminated materials, where
 - (i) each laminate is non-combustible; and
 - (ii) each adhesive layer is not more than 1mm thick; and
 - (iii) the total thickness of adhesive layers is not more than 2mm; and
- (v) the Spread-of-Flame Index and the Smoke-Development Index of the laminated material as a whole does not exceed 0 and 3 respectively.

3.7.1.3 External Walls

(b) 1.8m from another building on the same allotment other than appurtenant Class 10 building or a detached part of the same Class 1 building.

3.7.1.4 Measurement of distances

- (a) The distance from any point on an external wall of a building to an allotment boundary or another building is the distance to that point measured along a line at right angles from the allotment boundary or external wall of the other building which intersects that point without obstruction by a wall complying with 3.7.1.5.
- (b) Where a wall within a specified distance is required to be constructed in a certain manner, only that part of the wall, (including any openings) within the specified distance, must be constructed in that manner.

3.7.1.5 Construction of External Walls

- (a) External walls (including gables) required to be fire-resisting [Referred to in 3.7.1.3 or 3.7.1.6] must extend to the underside of a non-combustible roof covering or non-combustible eaves lining, and must
 - (i) have an FRL of not less than 60/60/60 when tested from the outside; or
 - (ii) be of masonry-veneer construction in which the external masonry veneer is not less than 90mm thick; or
 - (iii) be of masonry construction not less than 90mm thick.
- (b) Openings in external walls required to be fire-resisting [referred to in 3.7.1.3 or 3.7.1.6] must be protected by
 - (i) non-operable fire-windows or other construction with an FRL of not less than --/60/-- ; or
 - (ii) self-closing solid-core doors not less than 35mm thick.
- (c) Sub-floor vents, roof vents, weep holes and penetrations for pipes, conduits and the like need not comply with (b) above.
- (d) Concessions for non-habitable room windows, conduits and the like: Despite the requirements in (b), in a non-habitable room a window that faces the boundary of an adjoining allotment may be not less than 600mm from that boundary, or, where the building faces another building on the same allotment, not less than 1.2m from that building; providing that
 - (i) in a bathroom, laundry or toilet, the opening has an area of not more than 1.2sqm; or
 - (ii) in a room other than referred to in (i), opening has an area of not more than 0.54sqm; and
 (A) the window is steel-framed, there are no opening sashes and it is glazed in wire glass; or
 (B) the opening is enclosed with hollow glass blocks.

SPECIFICATION C1.10 Fire Hazard Properties

Materials used in the building having flammability, smoke developed and spread-of-flame indices as set-out in Spec. C1.10.

SECTION F Health and Amenity

Part F1: Damp and Weatherproofing

- Stormwater drainage must comply with AS/NZS 3500.3.2
- Roof covering to comply with F1.5
- Sarking must comply with AS/NZS 4200, Parts 1 and 2
- Water proofing of wet areas in buildings to comply with F1.7
- Damp-proofing of floors on ground to comply with F1.11

Part F3.7: Fire safety

-Automatic fire detection system to be provided in accordance with Part

3.7.2 General concession:

Part 3.7.2: Smoke alarms - requirements for smoke alarms:

- (a) Smoke alarms must be installed in:
 - (i) any storey containing bedrooms.

Part 3.8: Health and amenity

-Wet areas within the building must comply with the requirements of Part 3.8.1 Wet areas.

Part 3.8.6: Sound insulation requirements

3.8.6.1 Application - Compliance with this Part satisfies performance requirement P2.4.6 for sound insulation.

3.8.6.2 Sound insulation requirements

- (i) achieve the weighted sound reduction with spectrum adaption term [Rw+Ctr] and discontinuous construction requirements, as required by Table 3.8.6.1; and
 - (ii) be installed in accordance with the appropriate requirements of 3.8.6.3 and 3.8.6.4.
- (b) For the purpose of this Part, the Rw+Ctr must be determined in accordance with As/NZS 1276.2 or ISO 717.1, using results from laboratory measurements.

Part 3.9: Safe movement and access

-The treads and risers of the proposed stairs are to comply with Part 3.9.1.2 General requirements

AUSTRALIAN STANDARDS COMPLIANCE

THE BUILDING WORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH, BUT NOT LIMITED TO THE FOLLOWING AUSTRALIAN STANDARDS:

-GLAZING	AS 1288 AND AS 2047
-COMPONENTS OF PROTECTION OF OPENINGS IN FIRE RESISTANT WALLS	AS/NZS 1905
-TIMBER FRAMING IN ACCORDANCE WITH	AS 1684
-FOOTINGS IN ACCORDANCE WITH	AS 2870
-STORMWATER IN ACCORDANCE WITH	AS 3500
-TERMITE MANAGEMENT IN ACCORDANCE WITH	AS 3660.1
-MASONRY CONSTRUCTION IN ACCORDANCE WITH	AS 3700 & AS 4773.2
-WATERPROOFING IN ACCORDANCE WITH	AS 3740
-SMOKE ALARMS IN ACCORDANCE WITH	AS 3786
-ELECTRICAL INSTALLATIONS	AS 3013
-CONCRETE CONSTRUCTION IN ACCORDANCE WITH	AS 3600
-METAL ROOF SHEETING IN ACCORDANCE WITH	AS 1562.1 AND
	CLAUSE 3.5.1 OF THE BCA
-ROOF TILING IN ACCORDANCE WITH	PART 3.5.1 OF THE BCA
	VOL.2 AND AS 2049
-SOUND INSULATION IN ACCORDANCE WITH	AS/NZS 1276
-BALUSTRADE TO COMPLY WITH	PART 3.9.2 OF BA VOL.2
-STAIR CONSTRUCTION IN ACCORDANCE WITH	PART 3.9.1 OF THE BCA
	VOL.2
-STAIR FLOOR FINISHES ARE REQUIRED TO COMPLY WITH	PART 3.9.1.3 OF THE
	BCASLIP RESISTANCE
	(WHEN TESTED IN
	ACCORDANCE WITH AS
	4586)
-STEEL STRUCTURES INCLUDING STEEL LINTELS COMPLIANCE WITH	AS 4100 -OFF STREET
	PARKING AS/NZS 2890.1

BUILDING SPECIFICATION NOTES:

- 0.2MM HIGH IMPACT VAPOUR MEMBRANE IS REQUIRED FOR ROOMS OR HABITABLE NATURE.
- THE SLAB ON GROUND IS TO BE PROVIDED WITH A 0.2 MICRON HIGH IMPACT VAPOUR MEMBRANE

STAIRS, STEPS AND BALUSTRADES

- INTERNAL STAIR/ANTI-SKID NOSINGS THROUGHOUT THE DWELLING ARE IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.9 VOLUME 2 OF THE NCCS (BCA)
- ANY NEW STAIRS ARE REQUIRED TO MEET THE 'NON SLIP' REQUIREMENTS DETAILED IN THE BCA, BEING A P3 OR R10 RATING FOR INDOOR (DRY) APPLICATIONS, OR A P4 OR R11 RATING FOR OUTDOOR (WET) APPLICATIONS (INTRODUCED IN BCA 2014)
- LANDINGS WHERE REQUIRED ARE TO BE IN ACCORDANCE WITH CLAUSE 3.9.1.3 OF BCA. -ALL INTERNAL STAIRS ARE TO BE PROVIDED WITH HANDRAIL TO AT LEAST ONE SIDE IN ACCORDANCE WITH CLAUSE 3.9.2.4 OF THE BCA
- BALUSTRADES SERVICING THE DWELLING ARE IN ACCORDANCE WITH REQUIREMENTS OF PART 3.9 OF VOLUME 2 OF THE NCCS (BCA).
- ALL GLASS BALUSTRADES REQUIRE A LOAD BEARING HANDRAIL ARE TO BE COMPLIED WITH THE REQUIREMENTS OF AS 1288.
- EXTERIOR DOORS STEP DOWN AS PER THE REQUIREMENTS OF PART 3.9 OF VOLUME 2 OF THE NCCS (BCA)

SMOKE ALARMS

-SMOKE ALARMS ARE TO BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.7.2 OF VOLUME 2 OF NCCS (BCA)

LIFT OFF HINGES

- DOOR SWING OF LIFT OFF HINGES ARE TO BE PROVIDED TO ENCLOSED WC AREA IN ACCORDANCE WITH REQUIREMENTS OF CLAUSE 3.8.3.3 OF VOLUME 2 OF THE NCCS (BCA)
- ALL WET AREAS ARE TO BE PROVIDED WITH FLOOR WASTES IN ACCORDANCE WITH BCA.
- INTERNAL FLOOR TO CEILING HEIGHT IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.8.2 OF VOLUME 2 OF THE NCCS-BCA.

ROOF AND GUTTERS

- BRICK PARAPET CONSTRUCTION TO BE IN ACCORDANCE WITH CLAUSE 3.3.1.2 OF BCA
- ALL ROOF CLADDING IS TO BE IN ACCORDANCE WITH AS.1562.1
- ALL BOX GUTTERS WILL COMPLY WITH PART 3.5.2 OF BUILDING CODE OF AUSTRALIA (BCA)
- GUTTERS & DOWNPIPES ARE TO BE IN ACCORDANCE WITH CLAUSE 3.5.2 OF BCA & AS 3500 WITH ALL DOWNPIPES BEING A MINIMUM SIZE OF EITHER 100X 75 OR 100DIA & ALL BOX GUTTERING WILL BE MINIMUM 400W X 200D.
- CONSTRUCTION PLANS/ DETAILS/ SPECIFICATIONS FOR THE PROPOSAL WILL BE PROVIDED PRIOR TO THE COMMENCEMENT OF ANY WORKS.

1	22/05/2024	For Preliminary Issue	JN
2	31/05/2024	For Preliminary Issue	JN
3	10/06/2024	D A Issue	JN
4	07/08/2024	D A Issue - Assessable table altered	JN

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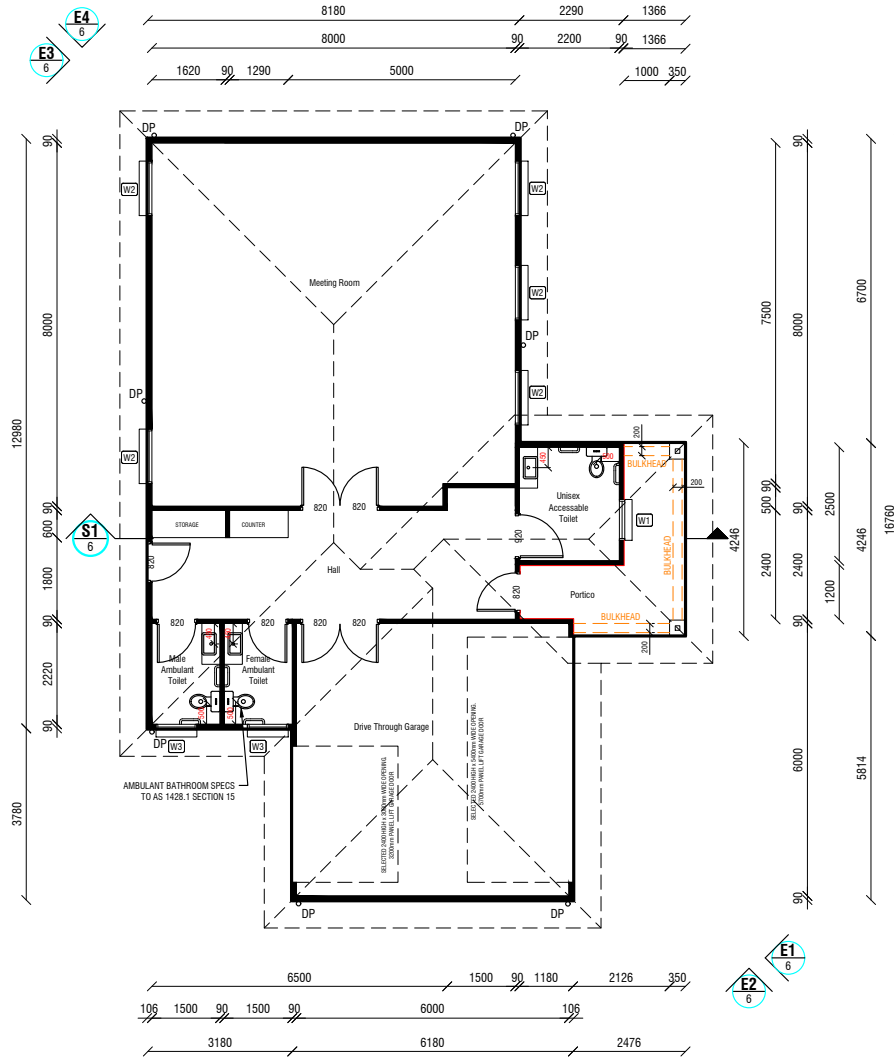
DRAWING NUMBER
3
DRAWING TITLE
CC NOTES

ISSUE NO:
4 - D.A Issue
PROJECT
Leeton Community Center
33 DAALBATA ROAD, LEETON, NSW

jason@jcadesign.com.au
PH: 0421035287



LEETON SHIRE COUNCIL
Ordinary Council Meeting Tuesday 29 October 2024



TOTAL AREA		
ZONE	AREA m ²	SQUARES sq
Portico	8.2m ²	0.9sq
Main building	96.7m ²	10.4sq
Garage	36.0m ²	3.9sq
Total Floor	140.9m ²	15.1sq
Roof Area	184.0m ²	19.8sq

- DENOTES 90mm TREATED TIMBER STUDWALL
- DENOTES CLADDED WALLS
- DENOTES PLUMBING LAYOUT, ADDITIONAL FLOOR WASTE IN CENTER OF WET AREAS TO BE DETAILED BY PLUMBER

DOWN PIPES

- DP° DENOTES NEW DOWN PIPE LOCATIONS, FINAL DESIGN/LAYOUT TO HYDRAULIC/PLUMBERS DESIGN.

WINDOW SCHEDULE							
NUMBER	QUANTITY	NAME	HEIGHT	WIDTH	AREA m ²	FRAME	DESCRIPTION
W1	1	Unisex Accessible Toilet	1800mm	900mm	1.62	Standard aluminum	Obscured Awning Window
W2	5	Meeting Room	1800mm	1200mm	1.62	Standard aluminum	Awning Window
W3	1	Male/Female Toilets	600mm	900mm	0.54	Standard aluminum	Obscured Awning Window



SCALE 1:100

1	23/05/2024	For Preliminary Issue	JN
2	31/05/2024	For Preliminary Issue	JN
3	10/06/2024	D.A Issue	JN
4	07/08/2024	D.A Issue - Accessible toilet altered	JN

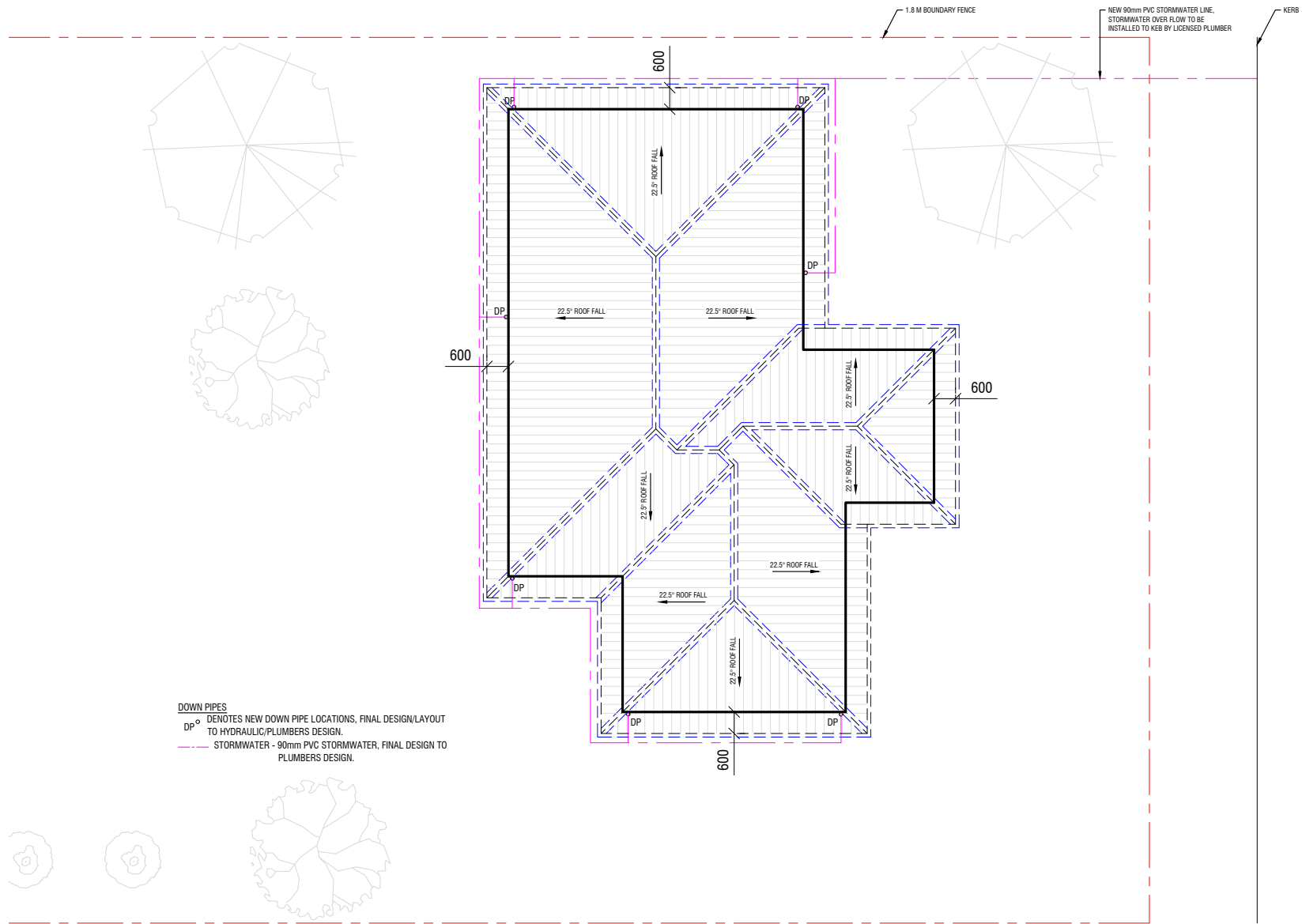
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DRAWING NUMBER
4
DRAWING TITLE
FLOOR PLAN

ISSUE NO.
4 - D.A Issue
PROJECT
Leeton Community Center
33 DAALBATA ROAD, LEETON, NSW

jason@jcadesign.com.au
PH: 0421035287





DOWN PIPES
 DP^o DENOTES NEW DOWN PIPE LOCATIONS, FINAL DESIGN/LAYOUT TO HYDRAULIC/PLUMBERS DESIGN.
 - - - - - STORMWATER - 90mm PVC STORMWATER, FINAL DESIGN TO PLUMBERS DESIGN.



SCALE 1:100

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4	07/08/2024	D.A Issue - Assessable toilet altered	JN

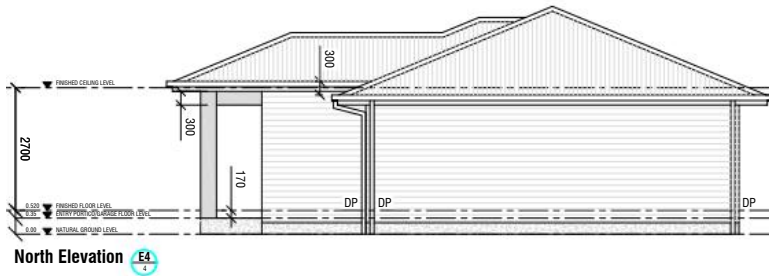
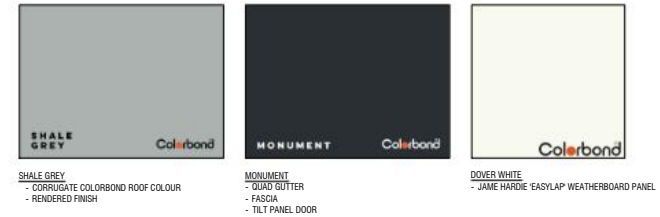
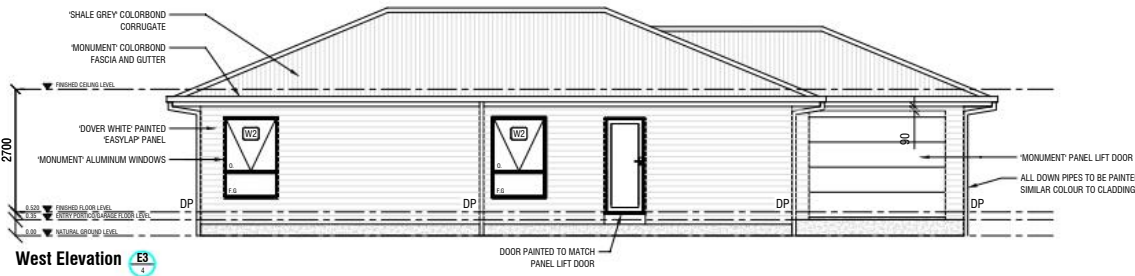
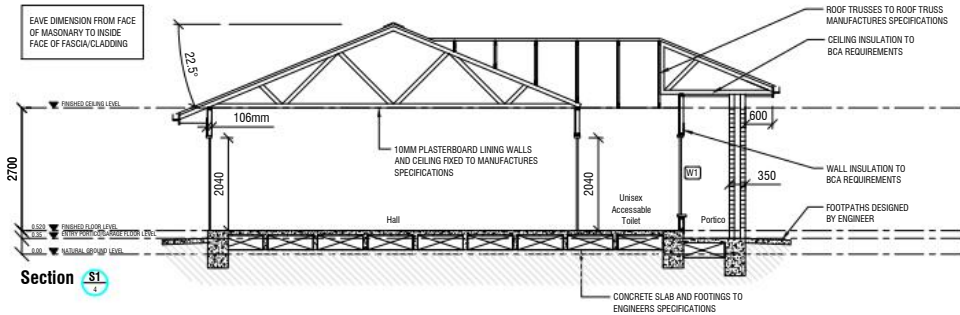
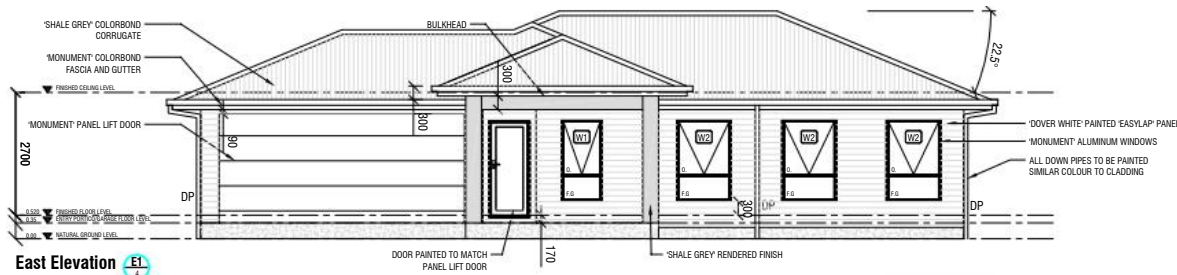
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DRAWING NUMBER
5
 DRAWING TITLE
ROOF PLANS

ISSUE NO.
4 - D.A Issue
 PROJECT
Leeton Community Center
 33 DAALBATA ROAD, LEETON, NSW

jason@jcadesign.com.au
 PH: 0421035287





NET WALL AREA (EXCLUDES WINDOWS)	
CO	AREA m ²
Elevation 1 (east) weatherboard	19.5m ²
Elevation 2 (south) weatherboard	25.6m ²
Elevation 3 (west) weatherboard	29.6m ²
Elevation 4 (north) weatherboard	27.2m ²
Total Floor	101.9m²

DOWN PIPES
DP DENOTES NEW DOWN PIPE LOCATIONS, FINAL DESIGN/LAYOUT TO HYDRAULIC/PLUMBERS DESIGN.

WINDOW NOTES
ALL DIMENSIONS ARE NOMINAL. THE BUILDER SHALL CHECK ALL WINDOW JAMB & HEAD OPENINGS PRIOR TO ORDERING WINDOWS.
GLASS AND GLAZING INSTALLATIONS MUST COMPLY WITH AS 1288.
ALL WINDOW FRAMES MUST MATCH WHAT WAS SELECTED IN THE BASIC CERTIFICATE.

NOTE
ALL WINDOW ELEVATIONS ARE EXTERNAL
FG DENOTES FIXED GLAZING
SLD DENOTES SLIDING DOOR/WINDOW
O DENOTES OPENING WINDOW
FD DENOTES FRENCH OPENING DOOR

WINDOW SCHEDULE							
NUMBER	QUANTITY	NAME	HEIGHT	WIDTH	AREA m ²	FRAME	DESCRIPTION
W1	1	Unisex Accessible Toilet	1800mm	900mm	1.62	Standard aluminium	Obscured Awning Window
W2	5	Meeting Room	1800mm	1200mm	1.62	Standard aluminium	Awning Window
W3	1	Male/Female Toilets	600mm	900mm	0.54	Standard aluminium	Obscured Awning Window

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4	07/08/2024	D.A Issue - Assesable hold altered	JN

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DRAWING NUMBER
6

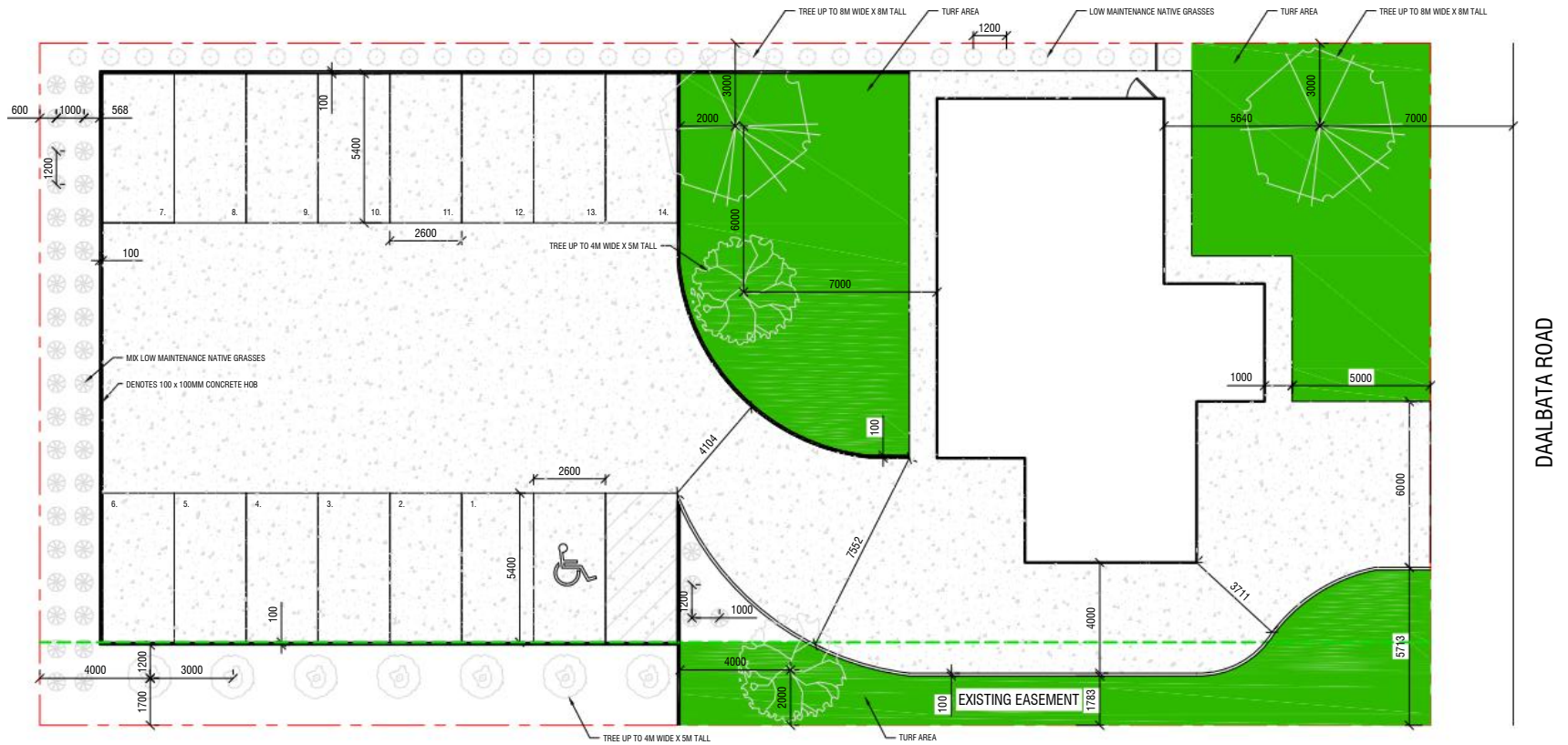
DRAWING TITLE
ELEVATIONS AND SECTION

ISSUE NO.
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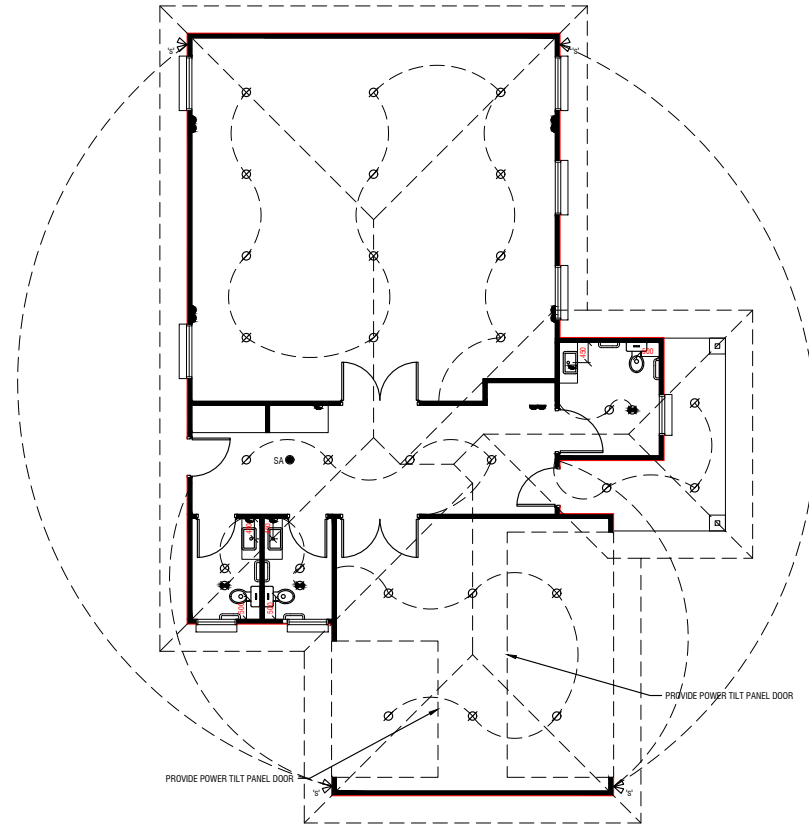
SCALE 1:100

DRAWING NUMBER
7
 DRAWING TITLE
LANDSCAPE, FLOORING
& EXTERIOR PLAN

ISSUE NO.
4 - D.A Issue
 PROJECT
Leeton Community Center
 33 DAALBATA ROAD, LEETON, NSW

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ELECTRICAL & SERVICES LEGEND							
	single powerpoint at 300		standard ceiling outlet		switchboard provide safety switch as applicable		tv point "t" where shown denotes cable connection
	double powerpoint at 300		bracket light outlet		SA smoke alarm		HU heater unit
	single powerpoint at 1050		floor up light		sweep ceiling fan		recessed hot water system
	double powerpoint at 1050		floodlight "s" where shown denotes sensor attached		SA security alarm box		heating duct floor outlet
	double powerpoint at 1350		2way switch		ESP electronic security pad		a/c ceiling outlet
	single powerpoint at 1650		exhaust fan		tv/data point		thermostat
	WP where shown adjacent to a gpo denotes waterproof outlet		fluorescent tube		telephone point "tm" where shown denotes modem point		vacuum outlet
	LED downlight (raked ceiling)		electrical meterbox		exhaust fan, light and heater unit		Solar battery
	LED downlight		dimmer switch		Subwoofer		Ceiling speaker
	SC security camera location		lightswitch		Speaker		Projector
	motion sensor		duress button		external alarm siren		multimedia point
	USB powerpoint		gas meterbox		Solar inverter		Solar battery
	gas meterbox		Solar inverter		Ceiling speaker		Projector

ELECTRICAL NOTES
 - LED downlights are to be a sealed unit
 - Electrical layout may be changed to suit electricians requirements, electrician or electrical designer to design system.



SCALE 1:100

1	23/05/2024	For Preliminary Issue	JN
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DRAWING NUMBER
8
 DRAWING TITLE
ELECTRICAL AND LIGHTING PLAN

ISSUE NO.
4 - D.A Issue
 PROJECT
Leeton Community Center
 33 DAALBATA ROAD, LEETON, NSW

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 PH: 0421035287





STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSAL: Place of Public Worship
(Church)

ADDRESS: 33 Daalbata Road, Leeton

August 2024



DESCRIPTION: Church

CLIENT: Leeton Gospel Trust

Anthony Daintith Town Planning Pty Ltd
ABN 46 121 454 153
ACN 121 454 153

Contact: 195 Russell Street, Bathurst
4 Isaac Drive, Orange
M: PO Box 1975, Orange NSW 2800
T: 02 63624523
E: anthony@adtp.com.au

QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	7/8/2024	Approved	AD

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A handwritten signature in black ink, appearing to read "ADTP" or similar initials.

This document has been authorised by

Anthony Daintith (Principal)
Date: 7/8/2024



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1. BACKGROUND

1.1 INTRODUCTION

Leeton Gospel Trust has engaged Anthony Daintith Town Planning to prepare a Statement of Environmental Effects (SOEE), to support an application to Leeton Shire Council, for a proposed place of public worship (church) on 33 Daalbata Road, Leeton.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of:

- Statement of Environmental Effects.
- Site and Building plans.

1.2 APPLICANT AND OWNER

The applicant is Leeton Gospel Trust C/- Anthony Daintith Town Planning.

The registered owners are Leeton Gospel Trust.

The owners have provided their written consent to the lodgement of the Development Application.



2. SUBJECT LAND

2.1 LOCATION & TITLE

The subject land is identified as 33 Daalbata Road, Leeton. **Figures 1 & 2** depict the site within the locality.

The land title description is as follows:

Table 1: Land Title Description

Lot	Deposited Plan
92	1289099

The area of the subject land is 1242m².

Local Government Area – Leeton.

Photo 1: View from Daalbata Road





2.2 GENERAL SITE DESCRIPTION

Topography

The land is relatively level (falling to the east).

Vegetation

The site is cleared.

Waterways

There are no waterways traversing the site.

Buildings

The site is vacant of any buildings.



Figure 1: Locality Plan

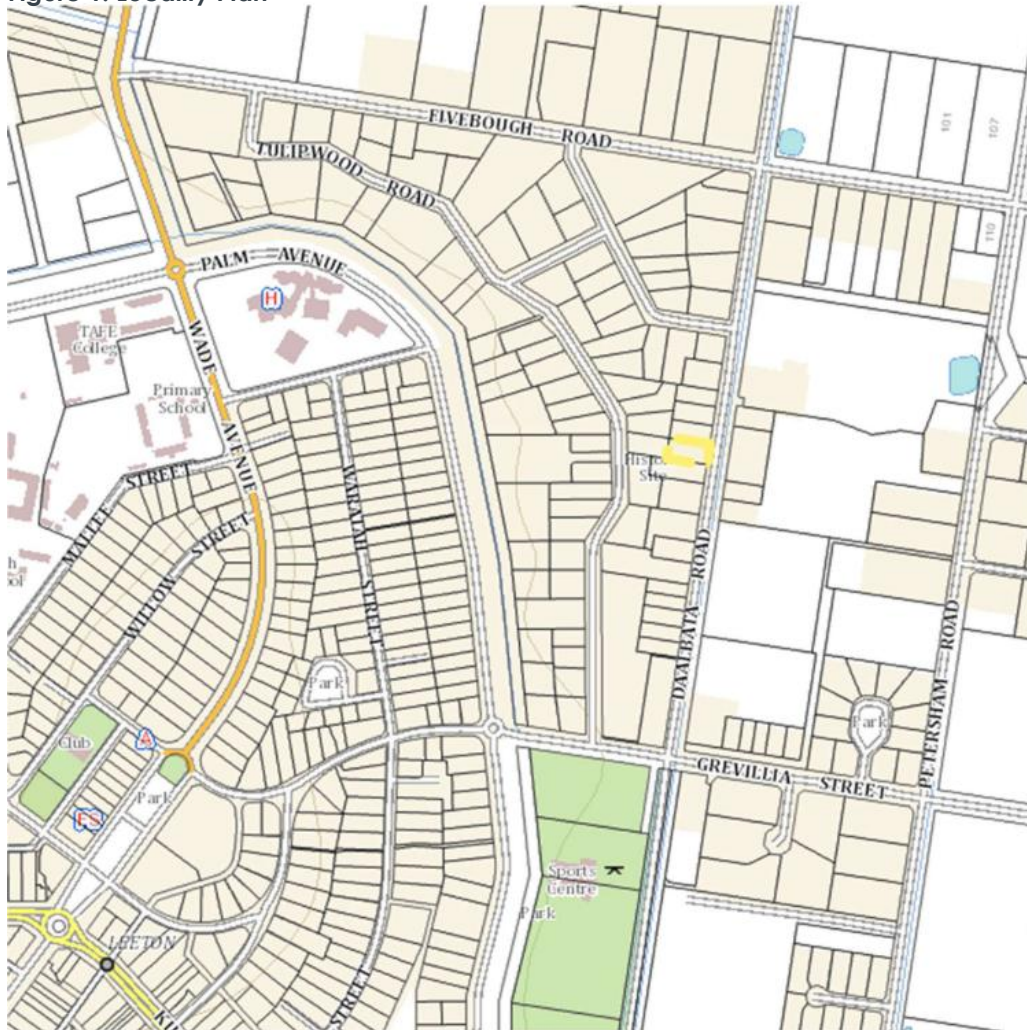
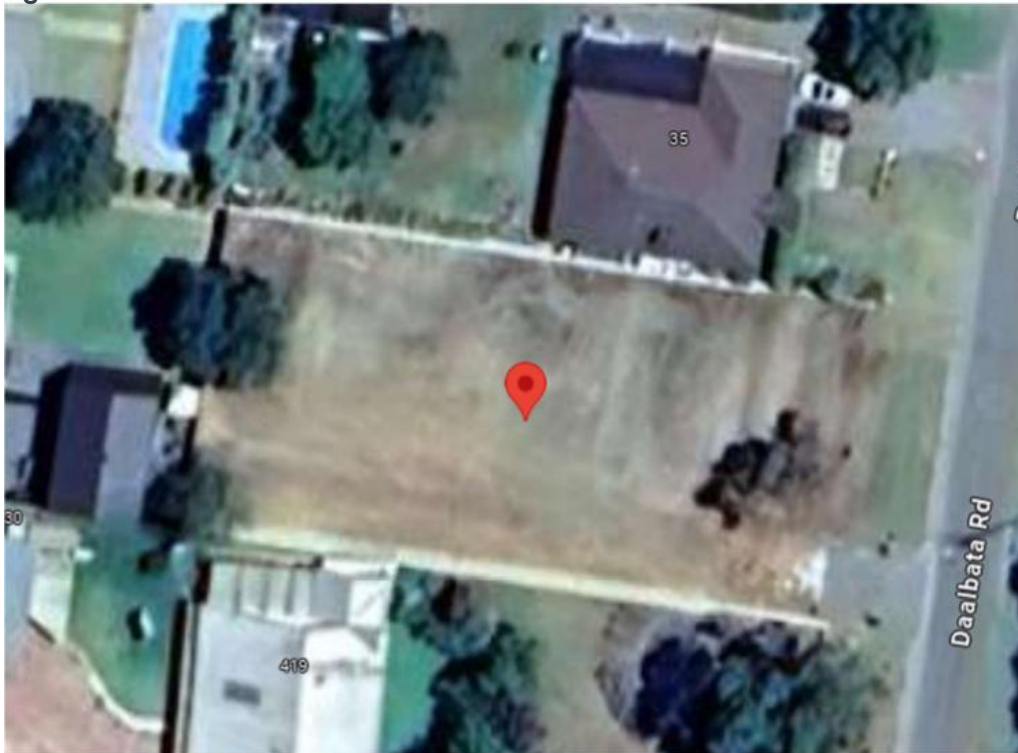




Figure 2: Aerial View





3. PROPOSAL

The proposal seeks development consent for the construction of a place of public worship (church) on the subject land.

It is proposed that there will be approximately 40 persons at each service. Servicers will be twice a week:

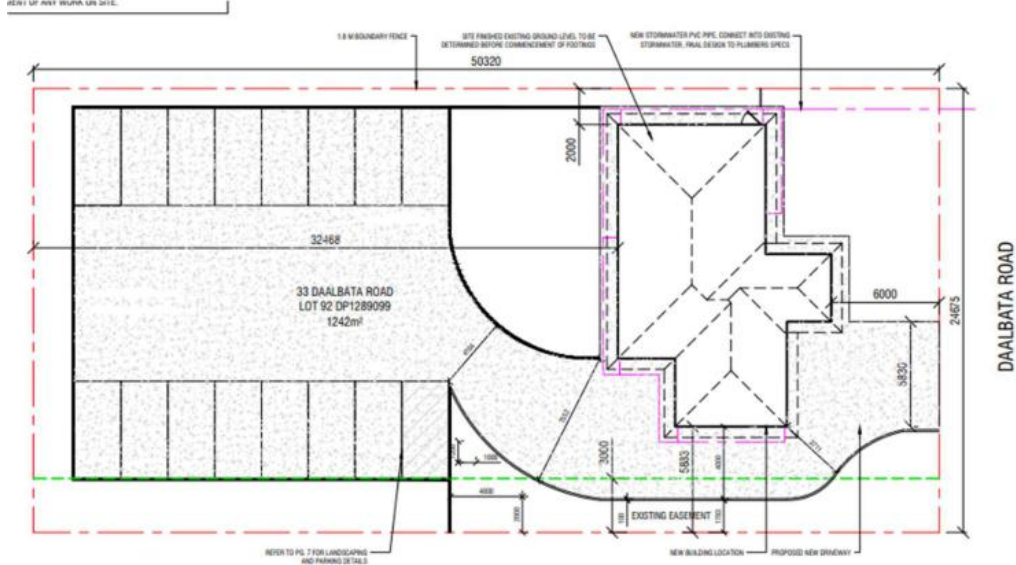
- Monday 7pm – 8pm
- Sunday 6am – 7am

This community have been operating in Leeton since 1923 and we currently have 4 halls to gather in – Tecoma Street, Brobenah Road, Wattle Street and Melaleuca Ave. All through their tenure in Leeton, they have not had any complaints brought to them by Leeton Shire Council.

The building will have a total floor area of 139.8 m² and will include toilets, hall, meeting room and a drive through garage. It will have “easylap” panel walls with a Colorbond roof (similar in nature to the surrounding residential dwellings).

The proposal also includes the construction of 14 concrete car parking spaces and driveway areas.

Figure 3: Proposed Site Plan



Extensive landscaping (including advanced plantings) will be planted throughout the site.



Figure 4: Perspectives



There is no advertising signage proposed as part of this application.

Please refer to the submitted building and site plans for greater detail.



4. TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

4.15 Evaluation

(cf previous s 79C)

Matters for consideration—general

In determining a development 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 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 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*
 - (iii a) *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*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

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.*



Section 4.15 Assessment

(a)(i) The provisions of any environmental planning instrument

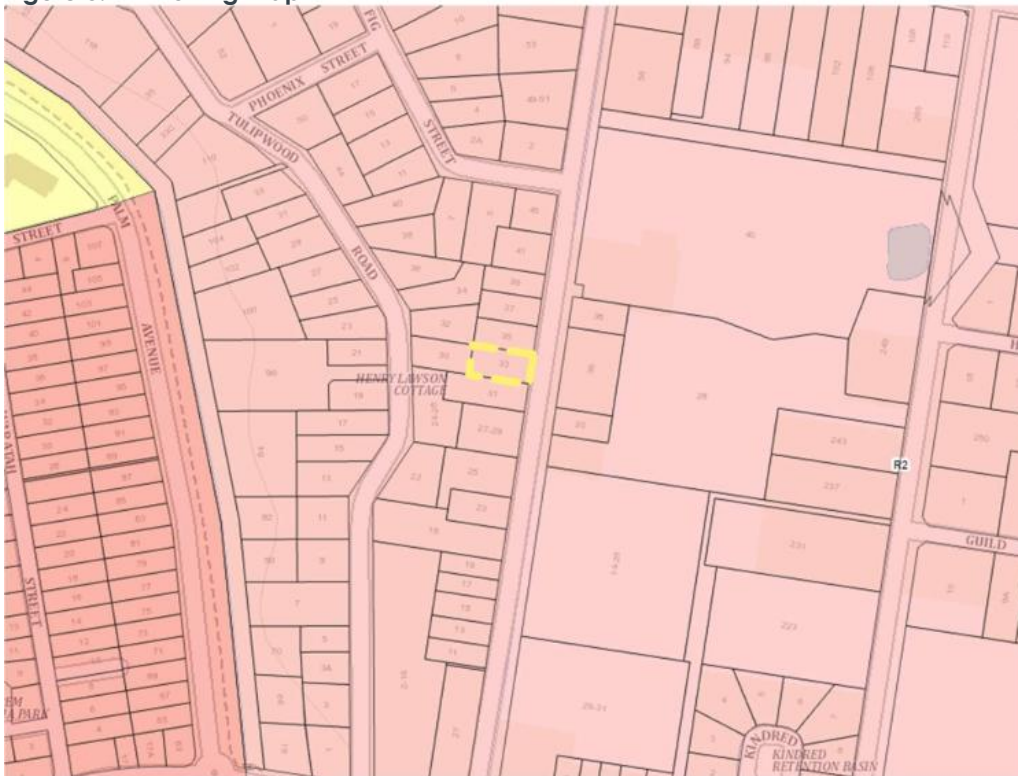
LOCAL ENVIRONMENTAL PLANS

LEETON LOCAL ENVIRONMENTAL PLAN 2014

Zoning

The subject land is Zoned R2 Low Density Residential under the provisions of the *Leeton Local Environmental Plan 2014 (LEP)*.

Figure 5: LEP Zoning Map





Applicable LEP Clauses

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Agriculture; Environmental protection works; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Building identification signs; Business identification signs; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; **Places of public worship**; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Serviced apartments; Turf farming; Any other development not specified in item 2 or 3

Comments

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The proposed development provides a place of public worship to meet the day to day needs of residents.. It is considered that the proposal is consistent with the zone objectives as demonstrated in this SOEE.

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to identify maximum floor space ratios in those areas identified on the Floor Space Ratio Map,
- (b) to facilitate a variety of housing types,
- (c) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the locality,



- (d) to ensure that development is compatible with the existing and desired built form and character of the locality,
 - (e) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Figure 6: LEP Floor Space Ratio Map



Comments

The FSR under the LEP is 0.5:1. The proposed FSR is 0.11:1 – compliant.



6.12 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

Comments

The development will be connected to all available services (already available to the site as a result of the construction of the subdivision). A new driveway to be constructed to Councils standard specification.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comments below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Sustainable Buildings)	Not applicable.
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable



SEPP (RESILIENCE AND HAZARDS) 2021

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
 - (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Comment

Pursuant to Clause 4.6 of the SEPP, the potential for contamination appears minimal. This is based upon an inspection of the site.



In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

(a)(ii) Any draft environmental planning instrument

There are no known draft local, regional or state planning instruments applicable to this proposal.

(a)(iii) Any development control plan

LEETON DEVELOPMENT CONTROL PLAN 2022

PART A - INTRODUCTION

All necessary documents have been provided with the DA.

PART B – DESIGN GUIDELINES

The design has been developed with response to the site constraints. The site is relatively level and featureless. The proposed building can be connected to all available urban services. There are no restrictions on the site that have had a bearing on the design of the proposal.

The proposed building is considered comparable to other development along Daalbata Road and has been designed to blend in. Extensive landscaping of the site is also proposed to soften any impact.

The following photo demonstrates that the site is cleared.



CHAPTER D – RESIDENTIAL DEVELOPMENT

Whilst the development is not residential in nature, the subject land is zoned R2 Low Density Residential. The following comments are made (D4):

- Earthworks are minimal.
- The front building setback is 6m (consistent with the immediately neighbour to the north).
- Closest side setback is 2m (consistent with the immediately neighbour to the north).
- The front façade of the building closely resembles that of a residential dwelling (windows, front door and garage door).
- Landscaping proposed around the site.
- Single storey development consistent with neighbouring development.
- Stormwater to be directed to the street.
- Waste generation will be minimal (likely less than a residential dwelling).
- The building will be connected to all available utilities and services.
- No rainwater tank is proposed.

CHAPTER J – CAR PARKING AND ACCESS

- The driveway is proposed along the southern side of the proposed development (1.783m off the boundary of the subject land).
- The driveway will be 5.83m at the street in width and then narrow slightly throughout the site to provide access to the rear car park.



- The carpark has been designed in accordance with the relevant Australian Standard. It will be located at the rear of the site and constructed in concrete.

The car parking requirement for places of public worship is:

Whichever is the greater of: 1 space per 10m² or 1 spacer per 10 seats.

14 car parking spaces are provided (139m²).

(a)(iiia) Any Planning Agreements

There are no known planning agreements affecting the property.

(a)(iv) Any matters prescribed by the regulations:

Division 1 Determination of development applications—the Act, s 4.15(1)(a)(iv)

CLAUSE	COMMENT
61 Additional matters that consent authority must consider	No demolition is proposed. No subdivision orders are applicable. Dark Sky Planning Guideline does not need to be addressed for this proposal. The proposal does not include a manor house or multi dwelling housing (terraces).
62 Consideration of fire safety	The proposal does not propose a change of building use for an existing building.
63 Considerations for erection of temporary structures	The proposal does not include a temporary structure.
64 Consent authority may require upgrade of buildings	The proposal does not involve the rebuilding or alteration of an existing building.
65 Consideration of conservation plan for development at Sydney Opera House	Not applicable.
66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)	Not applicable.
67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)	There is no proposal to modify or surrender a development consent or existing use right.
68 Voluntary surrender of development consent—the Act, s 4.63	There is no proposal to voluntarily surrender a development consent.



(b) The likely impacts of the development:

CONTEXT AND SETTING

The surrounding area is characterised by residential development.

It is considered that the proposal is within the context of the locality and is compatible with the surrounding area and will have acceptable impact in regard to:

- Adjacent properties;
- Adjoining land uses;
- Overshadowing; and
- Views and vistas.

The development has been designed to have a residential appearance when viewed from Daalbata Road.

ACCESS AND TRANSPORT

Access

It is proposed to construct a new concrete driveway off Daalbata Road (refer to the plans for location).

Car Parking

14 car parking spaces have been provided as per the DCP requirement.

It is proposed that the car park will be constructed in concrete and will be appropriately drained and line marked.

Traffic Generation

The proposed church will generate more traffic movements than a residential dwelling. There will be significantly more car parking provided on the site than in a conventional residential situation. The site will generally be used for a period of 1 hour, 2 times a week – otherwise the site will be unattended.

The biggest impact in relation to the hours of operation will be the Sunday congregation between 6am and 7am. However, it is likely that there will be a maximum of 40 people arriving and departing in 12-15 vehicles for a period of 1 hour. Operational, there is limited noise generated and any impacts would be via the traffic movements.



It is proposed that the car parking spaces behind the building to reduce the impact on the neighbouring properties.

It is noted that the site is located on the Daalbata Road which receives a significant amount of traffic.

PUBLIC DOMAIN

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

UTILITIES & SERVICES

The church will be connected to all available services (water, sewer, electricity and telephone). It is considered that there is no need for any upgrading works.

HERITAGE

There are no heritage items on the site or on any adjoining lots.

FLORA AND FAUNA

The site is currently cleared of vegetation.

It is proposed to plant a significant amount of landscaping to the site in accordance with the submitted landscape plan.

ENERGY

A BASIX certificate is not required.

AMENITY

The proposed church is generally considered to be compatible with the existing and likely future character and amenity of the residential authority. It is noted that Council has approved a number of other churches approved in residential areas across Leeton for the benefit of surrounding residents.

The church has been designed to blend in with the surrounding dwellings. The church's scale and bulk is similar to a residential dwelling is that it is single storey and has external dimensions that are comparable.



The appearance from Daalbata Road is depicted in the development plans. Advance landscaping is proposed to be planted throughout the site.

The proposed church will generate more traffic movements than a residential dwelling. There will be significantly more car parking provided on the site than in a conventional residential situation. The site will generally be used for a period of 1 hour, 2 times a week – otherwise the site will be unattended.

Operationally, the church will generate minimal impact as a result of noise. The main noise source will be via traffic movements to and from the site and the associated impact of car doors opening and closing.

There will be no impact from dust generation. No adverse impact from lighting has been identified. All lighting will be baffled to ensure that there is no light spillage.

Privacy and overshadowing issues have been addressed as part of the design of the church proposal (as already discussed, the church will be of residential proportions). It is noted that there will be fences constructed around the perimeter of the site that will be supplemented by advanced landscape plantings.

It is proposed that there will be approximately 40 persons at each service. Services will be twice a week:

- Monday 7pm – 8pm
- Sunday 6am – 7am

It is proposed that the car parking spaces next to the building towards to the middle of the property to reduce the impact on the neighbouring properties.

There have been no issues identified in relation to the supply of water and the disposal of sewage and stormwater.

Due to the nature of the proposal, issues surrounding energy efficiency and waste management are not significant.

NOISE IMPACT

There are three potential noise sources:

- Activities within the church hall
- Air conditioning
- Cars arriving and departing, parking and people talking (14 car parking spaces)



The site will generally be used for a period of 1 hour, 2 times a week – otherwise the site will be unattended.

The NSW Government Industrial Noise Policy establishes guidelines for noise goals for residential receivers in terms of external noise levels based on both amenity and intrusiveness.

The hall will be air conditioned with external condensing units. It is understood that the air conditioning units (residential in scale) will be located as discretely as possible.

The Industrial Noise policy makes provision for a duration adjustment for infrequent events. During the daytime and evening a 5dBA increase in acceptable noise level is allowed for a noise event of 15 minutes to one hour in a 24 hour period. There is no allowable adjustment at night.

No specific noise control measures are proposed due to the very limited operation of the church.

NATURAL HAZARDS

There are no known flooding, bushfire or land subsidence issues in the general locality of the site.

POTENTIAL CONTAMINATION

There are no signs of potential contamination on the land. It is considered that a preliminary contamination assessment is not warranted in this instance.

SAFETY, SECURITY & CRIME PREVENTION

No specific safety, security or crime prevention measures are proposed as part of the proposed church other than a back to base alarm.

SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY

The economic impacts as a result of the proposed church on the subject land are considered negligible. There will be small boost to the local building economy as a result of the proposal.

There will be no employment generation as a result of the church. There is the potential to attract people from outside of Leeton to attend congregations and add to the economy through their stay.

There is the potential for both positive and negative social impacts as a result of the proposed church on the subject land.



Generally speaking, the impacts on the greater community are considered negligible as the impacts as a result of the proposed church are relatively localised.

Potential adverse impacts could result primarily from vehicles entering and leaving the site (predominately the noise impact). There are no potential impacts identified during the services (the hall is totally insulated).

However, it is felt that the proposed development can be adequately managed to ensure minimal off-site adverse environmental impacts eventuate.

It is noted that Council has approved a number of other churches approved in residential areas across the city for the benefit of surrounding residents. Accordingly, Council must have considered that the social impact within this area is acceptable.

Refer to the discussion on amenity that investigates how the proposed church may impact on the social environment.

CONSTRUCTION

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be implemented during construction to minimise any erosion and sedimentation at the site.

All waste generated during construction would be taken and disposed of at Council's Waste Disposal Facility.

Construction activities would be tailored to minimise the impact on site, with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

CUMULATIVE IMPACTS

It is considered there will be no negative cumulative impacts as a result of the proposed church.



(c) Suitability of the site for the development

Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- Telephone, electricity, water and sewerage services are already connected to the site; and
- There are no issues in relation to air quality and microclimate; and
- There are no surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the development based on the following:

- There are no known natural hazards affecting the site;
- There are no heritage considerations;
- There is no known soil characteristics that would render the project prohibitive; and
- There are no flora and fauna considerations.

(d) Any submissions

The application may be referred to adjoining neighbours for comment.

(e) The public interest

The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.

It is believed that by the imposition of appropriate conditions of consent and the safeguards discussed in this report, potential impacts would be modest.

The proposal generally complies with the provisions and objectives of Councils planning documents.



5. CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The proposed development is permissible with the consent of Council;
- The impacts upon or by surrounding development will not be altered significantly as a result of the proposal;
- The topography of the site is not a consideration;
- All available services are available for connection to service the proposed development;
- Adequate car parking can be provided on the site;
- The impacts on the amenity of the area are considered to be within acceptable limits; and
- The proposal is generally consistent with the objectives and provisions of Councils LEP and DCP.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and potential impacts are expected to be minor.

Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.

DEVELOPMENT ASSESSMENT REPORT DA 93/2024

APPLICATION SUMMARY

Application No:	93/2024
Title Details:	Lot: 92 DP: 1289099
Address:	33 Daalbata Rd, Leeton
Applicant:	Anthony Daintith c/- The Trustee for Leeton Gospel Trust PO Box 1975, Orange NSW 2800
Owner:	J Donald, AB Dunn, SR Hester, LC Pagden & RW Rendell PO Box 822 Leeton NSW 2705
Is this a Council related DA:	No
Has this DA been submitted by a Council Staff Member:	No
Has this DA been submitted by a Councillor:	No
Date Application Received:	19.8.2024
Site Area:	1,242m ²
Zoning:	R2 Low Density Residential
Existing Use:	Vacant
Proposed Development:	Place of Public Worship (Church)

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 - b) Section 1.7 Part 7A of the Fisheries Management Act 1994
 - c) Section 4.14 Consultation and development consent—certain bush fire prone land
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 - b) Section 4.15(1)(a)(ii) – The provisions of 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
 - c) Section 4.15(1)(a)(iii) – The provisions of any development control plan
Leeton Comprehensive Development Control Plan 2022
 - d) Section 4.15(1)(a)(iiia) – The provisions of 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
 - e) Section 4.15(1)(a)(iv) – The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
 - f) Section 4.15(1)(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
 - g) Section 4.15(c) – The suitability of the site for the development
 - h) Section 4.15(d) – any submissions made in accordance with the Act or the regulations
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- 6.02 Recommendation
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APPENDIX A

FLOOR SPACE RATIO CALCULATION

APPENDIX B

DRAFT CONDITIONS OF CONSENT

1. INTRODUCTION

1.01 Description of Development

The applicant is seeking development consent for a place of public worship (church) at Lot 92 DP 1289099, 33 Daalbata Road, Leeton. The proposed development includes the following;

- Construction of a place of public worship (church) containing toilets, hall, meeting room and a drive through garage with building footprint 141m²,
- Construction of concrete driveway areas and car parking area behind the church,
- Provision of 14 car parking spaces,
- Landscaping (including advanced plantings) throughout the site including the side and rear boundaries and front setback area, and
- Two services to be held each week – Monday 7pm – 8pm
 Sunday 6am – 7am

Figure 1 illustrates the proposed development.



Figure-1: Proposed development

1.02 The site and locality

The subject site is legally identified as Lot 92 DP 1289099 and is known as 33 Daalbata Road, Leeton. Refer Figure 2 for a location map.

The subject site is rectangular in shape with a frontage to Daalbata Road of 24.7m, side boundaries 50.3m and an area of 1,242m². There is a 3m wide easement to drain sewage and water along the southern side boundary. No other restrictions or covenants are known to affect the subject site.

The site slopes from the rear boundary to the front boundary.

Vehicular access is available from the Daalbata Road carriageway.

Reticulated water supply, sewerage, electricity and telecommunications are available to the site.

The properties adjoining the side and rear boundaries are of a similar size (1,157m² – 1,592m²) and contain single dwellings and detached outbuildings. Opposite the subject site is residential development and small rural holdings.



Figure-2: Site Location



Figure 3: Street Frontage

1.03 Development History

Council records indicate that there is one development application relating to the site.

DA 67/2021 – One (1) into three (3) Lot Subdivision. Determined 17.6.2021.

It is noted that the subject site (Lot 92 DP 1289099) was created by the subdivision of Lot 901 DP 725675 under DA67/2021. After the registration of the subdivision of Lot 901 DP on 20 December 2022, the existing dwelling on Lot 901 was then located on Lot 93 DP 12809099 and became known as 31 Daalbata Road. The subdivision also created the subject site (Lot 92) and Lot 93 (30 Tulipwood Rd) as vacant allotments.

A Pre-DA meeting was held on 19th July 2024 with representatives of the church to discuss a development similar to this current application.

2. NOTIFICATION / COMMUNITY CONSULTATION

The nature, scale and likely impact of the proposed development was considered to warrant public notification in accordance with the provisions of Part 2 of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

The Development Application was placed on public exhibition for a period of 14 days during which time adjoining landowners were notified of the proposed development.

Three (3) submissions were received during the notification period that closed on 6th September 2024. An additional submission was also received on 23rd September 2024.

The applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development.

Subsequently, the applicant provided a response to the submissions.

An assessment of the submissions has been made, as required under Section 4.15(d) (*any submissions made in accordance with the Act or the regulations*) of the Environmental Planning and Assessment Act 1979. Please refer to Part 4.02(h) of the report.

Leeton Shire Council Community Engagement Strategy 2022 – 2025

Part 2 - Community Participation Plan

The Community Participation Process

Minimum Notification Timeframes and Advertising Requirements

For other developments, as a matter of course Council will typically notify and/or advertise Development Applications as described in the table below:

TYPE OF DEVELOPMENT APPLICATION (DA)	ADVERTISING TIMEFRAMES FOR DAs	METHOD
<p><i>Notification to all landowners considered by the Manager Planning, Building and Health to be impacted* by the Development Application.</i></p> <p><i>* Impacts may include:</i></p> <p><i>the views to and from the land; overshadowing;</i></p> <p><i>privacy;</i></p> <p><i>noise or odour;</i></p> <p><i>the visual quality of the development in relation to the streetscape;</i></p> <p><i>the scale or bulk of the proposed development;</i></p> <p><i>the siting of the proposed development in relation to site boundaries;</i></p> <p><i>the proposed hours of use for the development;</i></p>	14 days	• Neighbour notification

<p>light spillage or reflection; means of access to or provision of parking on the proposed development site; the amount of traffic likely to be generated by the proposed development; drainage; and the social and economic impacts of the proposal</p>		
<p>Advertisement if deemed to be of public interest* by the Manager Planning, Building and Health. *A development application is generally deemed to be in the public interest if it may have environmental impacts that impact a broad section of the Leeton community.</p>	14 days	<ul style="list-style-type: none"> • Council website • Newspaper • Letter mail outs • Emails

Complying developments and other occasions where exhibition will not occur

Council will not publicly exhibit the following development applications:

- Single storey residential outbuildings and single storey residential additions and alterations that comply with the relevant height, floor space ratio, setback, and cut and fill requirements
- Subdivision of existing buildings (i.e., the subdivision of an existing dual occupancy etc)
- Changes from one commercial use to another, excluding changes for licensed premises
- Internal alterations to dwellings, commercial premises and industrial buildings
- Strata or community title subdivision of an approved development
- A modified application which is substantially the same as an application which has been previously notified.

Council will not publicly exhibit the following proposed modifications of development consent:

- Modification fixing minor error (i.e., wrong plan numbers, error in approval details etc).
- Modification involving minor environmental impact only where no public submission/s was received to the original development application.

Council will not publicly exhibit a review of a planning decision, except where a public submission/s was received to the original development application.

3. REFERRALS

3.01 Internal referrals:

The development application was not considered to require a referral to Council's Development Engineer.

3.02 External referrals

There were no external referrals considered to be required.

4. DEVELOPMENT ASSESSMENT

4.01 Environmental Planning and Assessment Act 1979 (EPAA)

Under the Environmental Planning and Assessment Act the development is classified as local development

a) Section 1.7 EPAA – Part 7 Biodiversity Conservation Act 2016

The development site is located in a R2 Low Density Residential zone and will not remove any significant vegetation. The development will have no impact on any threatened species in the vicinity.

b) Section 1.7 EPAA - Part 7A of the Fisheries Management Act 1994

The development will not impact on the conservation of threatened species.

c) Section 4.14 EPAA – Consultation and development consent—certain bush fire prone land

The subject site is not considered to be bush fire prone land.

d) Division 4.11 Existing Use rights

The development application is not seeking consent based on existing use rights.

e) Section 7.12 EPAA Fixed Development Consent Levies

Leeton Shire Council Developer Contribution Plan (Fixed Levy- Section 7.12) June 2023

2. Scope

This Plan applies to all land within the local government area of Leeton as shown in Schedule 1.

This Plan applies to applications for development consent and applications for complying development certificates under Part 7 Division 7.1 Subsection 3 of the Act.

Exemptions to the Contributions Plan.

Council will not authorise or impose a fixed levy in respect of development for the purpose of:

- disabled access,
- providing affordable housing (including part of a development),
- reducing a building's use of potable water (where supplied from water mains) or energy,
- sole purpose of the adaptive reuse of an item of environmental heritage,
- works undertaken for charitable purposes or by a registered charity,
- Council-led developments.

7.2 How will development contributions be calculated?

The development contribution will be calculated as follows:

Development contribution = A x B where:

- A
- i. *If the cost of works is ≤ \$100,000 is 0 (zero)*
 - ii. *If the cost of works is >\$100,001 but ≤ \$200,000 is 0.5% (half a percent)*
 - iii. *If the cost of works is >\$200,001 is 1% (one percent)*
- B
- is the cost of the development**

** The cost of the development is determined in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021, which is included at Schedule 2 (as at the date of this Plan).*

The cost of the development is \$273,700.

The applicable development contribution = \$2,737

4.02 Matters for consideration pursuant to Section 4.15(1) of the EPAA

4.15 Evaluation

(1) Matters for consideration—general

In determining a development 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) Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

i) Leeton Local Environmental Plan 2014 (LLEP 2014)

LLEP 2014 Clause	Comments
Part 1 Preliminary 1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in Leeton in accordance with the relevant standard	Noted.

<p>environmental planning instrument under section 3.20 of the Act.</p>	
<p>(2) The particular aims of this Plan are as follows—</p> <ul style="list-style-type: none"> (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) to encourage sustainable economic growth and development, (b) to preserve rural land for all forms of primary production, (c) to identify, protect, conserve and enhance Leeton’s natural assets, (d) to identify and protect Leeton’s built and cultural heritage assets for future generations, (e) to allow for the equitable provision of social services and facilities for the community, (f) to provide housing choices for the community, (g) to minimise land use conflicts and adverse environmental impacts, (h) to promote ecologically sustainable development. 	<p>The proposed development is considered to be consistent with the aims of the LLEP 2014, particularly those specified in a, e, g and h.</p>
<p>1.3 Land to which Plan applies</p>	
<p>This Plan applies to the land identified on the Land Application Map.</p>	<p>The subject site is located within the land identified on the Land Application Map.</p>
<p>1.6 Consent authority</p>	
<p>The consent authority for the purposes of this Plan is (subject to the Act) the Council.</p>	<p>Leeton Shire Council is the consent authority.</p>
<p>1.9 Application of SEPPs</p>	
<p>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 of the Act.</p>	<p>Noted.</p>
<p>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies—</p>	<p>Noted.</p>
<p>1.9A Suspension of covenants, agreements and instruments</p>	<p>Noted.</p>
<p>Part 2 Permitted or prohibited development</p>	
<p>2.1 Land use zones</p>	<p>Noted.</p>
<p>2.2 Zoning of land to which Plan applies</p>	
<p>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</p>	<p>The subject site is zoned R2 Low Density Residential and is shown on the Land Zoning Map - 4750_COM_LZN_014E_010_20210420</p>
<p>2.3 Zone objectives and Land Use Table</p>	

<p>(1) The Land Use Table at the end of this Part specifies for each zone—</p> <ul style="list-style-type: none"> (a) the objectives for development, and (b) development that may be carried out without development consent, and (c) development that may be carried out only with development consent, and (d) development that is prohibited. 	<p>Noted.</p>
<p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p>	<p>Noted. Refer to comments below relating to the Land Use Table.</p>
<p>(3) In the Land Use Table at the end of this Part—</p> <ul style="list-style-type: none"> (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and 	<p>Noted.</p>
<ul style="list-style-type: none"> (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone. 	<p>Noted.</p>
<p>(4) This clause is subject to the other provisions of this Plan.</p>	<p>Noted.</p>
<p>Notes—</p>	
<p>1 Schedule 1 sets out additional permitted uses for particular land.</p>	<p>Not applicable.</p>
<p>2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act.</p>	<p>Not applicable.</p>
<p>3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p>	<p>Not applicable.</p>
<p>4 Clause 2.6 requires consent for subdivision of land.</p>	<p>Not applicable.</p>
<p>5 Part 5 contains other provisions which require consent for particular development.</p>	<p>Noted.</p>
<p>Land Use Table</p>	
<p>Note—</p>	
<p>State environmental planning policies, including the following, may be relevant to development on land to which this Plan applies—</p>	
<p>State Environmental Planning Policy (Housing) 2021</p>	
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2—relating to infrastructure facilities, including air transport,</p>	

correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems

State Environmental Planning Policy (Resources and Energy) 2021, Chapter 2

State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3

State Environmental Planning Policy (Industry and Employment) 2021, Chapter 3

State Environmental Planning Policy (Primary Production) 2021, Chapter 2

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Agriculture; Environmental protection works; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Building identification signs; Business identification signs; Car parks; Caravan parks; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Educational establishments; Emergency services facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive plant agriculture; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; **Places of public worship**; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Water recycling facilities; Water supply systems

4 Prohibited

Bee keeping; Dairies (pasture-based); Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Serviced apartments; Turf farming; Any other development not specified in item 2 or 3

The proposed development is considered to be satisfactory in regard to the objectives of the R2 Low Density zone. In particular, it is considered to achieve the objectives;

“To enable other land uses that provide facilities or services to meet the day to day needs of residents”.

“To ensure that a high level of residential amenity is achieved and maintained”.

Figure 4 shows the land use zoning of the subject site.

Places of public worship are a permissible use in the R2 Low Density zone. The LLEP 2014 defines a place of public worship as *“a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training”.*

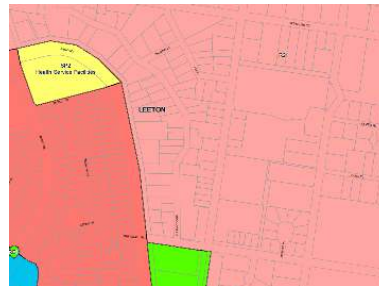


Figure-4: Land Use Zoning

2.4 Unzoned land	Not applicable.
2.5 Additional permitted uses for particular land	Not applicable.
2.6 Subdivision—consent requirements	Not applicable.
2.7 Demolition requires development consent	Not applicable.
2.8 Temporary use of land	Not applicable.
2.9 Canal estate development prohibited	Not applicable.
Part 3 Exempt and complying development	
3.1 Exempt development	Not applicable.
3.2 Complying development	Not applicable.
3.3 Environmentally sensitive areas excluded	Not applicable.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	Not applicable.
4.1AA Minimum subdivision lot size for community title schemes	Not applicable.
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Not applicable.
4.1A Exceptions to minimum subdivision lot sizes for certain residential development	Not applicable.
4.2 Rural subdivision	Not applicable.
4.2A Minimum subdivision lot size for strata plan schemes in certain rural and conservation zones	Not applicable.
4.2B Erection of dwelling houses or dual occupancies on land in certain rural and conservation zones	Not applicable.
4.2C Erection of rural workers' dwellings in Zone RU1	Not applicable.
4.2D Rural subdivision for intensive plant agriculture	Not applicable.
4.2E Exceptions to minimum lot sizes for certain rural subdivisions	Not applicable.
4.3 Height of buildings	
(1) The objectives of this clause are as follows—	Noted.
(a) to limit the height of buildings,	
(b) to promote development that is compatible with the height of surrounding development and conforms to and reflects natural landforms by stepping development on sloping land to follow the natural gradient,	
(c) to promote the retention and, if appropriate, sharing of existing views,	
(d) to maintain solar access to new and existing dwellings and public places and to promote solar access to new buildings,	

(e) to maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings.	
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<p>Complies.</p> <p>The maximum building height indicated on the <i>Height of Buildings Map</i> (Map 4750_COM_HOB_014E_010_20150723) = 8.5m.</p> <p>The proposed building does not exceed 8.5m in height (5.0m).</p>
4.4 Floor space ratio	
(1) The objectives of this clause are as follows—	Noted.
(a) to identify maximum floor space ratios in those areas identified on the Floor Space Ratio Map,	
(b) to facilitate a variety of housing types,	
(c) to ensure that the density, bulk and scale of development integrates with the streetscape and character of the locality,	
(d) to ensure that development is compatible with the existing and desired built form and character of the locality,	
(e) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.	
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	<p>Complies. The maximum floor space ratio (FSR) indicated on the <i>Floor Space Ratio Map</i> (Map 4750_COM_FSR_014E_010_20150723) = 0.50. The FSR of the proposed development (0.11) does not exceed the prescribed FSR (0.50). Refer Appendix A for calculation of the FSR.</p>
4.5 Calculation of floor space ratio and site area	Noted. Refer Appendix A.
4.6 Exceptions to development standards	Not applicable.
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	Not applicable.
5.2 Classification and reclassification of public land	Not applicable.
5.3 Development near zone boundaries	Not applicable.
5.4 Controls relating to miscellaneous permissible uses	Not applicable.
5.5 Controls relating to secondary dwellings on land in a rural zone	Not adopted.
5.6 Architectural roof features	Not applicable.
5.7 Development below mean high water mark	Not applicable.
5.8 Conversion of fire alarms	Not applicable.
5.9 Dwelling house or secondary dwelling affected by natural disaster	Not adopted.

5.9AA (Repealed)

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

- (1) Objectives The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Leeton,
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - (c) to conserve archaeological sites,
 - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
 - (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
 - (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - (d) disturbing or excavating an Aboriginal place of heritage significance,
 - (e) erecting a building on land—
 - (i) on which a heritage item is located or that is within a heritage conservation area, or

Not applicable.

The subject site does not contain a heritage item nor is it within a heritage conservation area.

However, a heritage item with local significance exists within vicinity of the subject site (37 Daalbata Road).

Item 178 - House (former Henry Lawson Cottage) 37 Daalbata Road Lot 21 DP 1015345

A search was conducted through the Aboriginal Heritage Information Management System (AHIMS), which indicated for the location of the subject site that;

- No aboriginal sites are recorded, and
- No aboriginal places have been declared

Noted.

Not applicable.

The proposed development does not include the demolition, moving or altering of a heritage item.

A search was conducted through the Aboriginal Heritage Information Management System (AHIMS), which indicated for the location of the subject site that;

- No aboriginal sites are recorded, and
- No aboriginal places have been declared

The proposed development is not within a heritage conservation area.

<ul style="list-style-type: none"> (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land— <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. (3) When consent not required However, development consent under this clause is not required if— <ul style="list-style-type: none"> (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development— <ul style="list-style-type: none"> (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development— <ul style="list-style-type: none"> (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development. 	<p>Not applicable.</p>
<p>(4) Effect of proposed development on heritage significance</p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause</p>	<p>A heritage item with local significance exists within vicinity of the subject site (37 Daalbata Road).</p> <p>The proposed development is not considered to generate any significant impacts with respect to the heritage item. The existing space around the heritage item, that enables its interpretation, is retained. Significant views and lines of sight to</p>

<p>applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>the heritage item are unaffected by the proposed development.</p>
<p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b).</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>A heritage item with local significance exists within vicinity of the subject site (37 Daalbata Road).</p> <p>It was not considered reasonable to request the applicant to submit a heritage management document.</p>
<p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>Not applicable.</p>
<p>5.11 Bush fire hazard reduction</p>	<p>Not applicable.</p>
<p>5.12 Infrastructure development and use of existing buildings of the Crown</p>	<p>Not applicable.</p>
<p>5.13 Eco-tourist facilities</p>	<p>Not applicable.</p>
<p>5.14 Siding Spring Observatory—maintaining dark sky</p>	<p>Not adopted.</p>
<p>5.15 Defence communications facility</p>	<p>Not adopted.</p>
<p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</p>	<p>Not applicable.</p>
<p>5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations</p>	<p>Not applicable.</p>
<p>5.18 Intensive livestock agriculture</p>	<p>Not applicable.</p>
<p>5.19 Pond-based, tank-based and oyster aquaculture</p>	<p>Not applicable.</p>
<p>5.20 Standards that cannot be used to refuse consent—playing and performing music</p>	<p>Not applicable.</p>
<p>5.21 Flood planning</p>	<p>The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.</p>
<p>5.22 Special flood considerations</p>	<p>Not adopted.</p>

5.23 Public bushland	Not adopted.
5.24 Farm stay accommodation	Not adopted.
5.25 Farm gate premises	Not adopted.
Part 6 Additional local provisions	
6.1 Earthworks	
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed development is considered to be satisfactory in regard to the objectives for earthworks.
(2) Development consent is required for earthworks unless—	Not applicable.
(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or	<p>Dictionary earthworks means excavation or filling. The earthworks are considered to be ancillary to the construction of the facility, for which development consent is being sought. The proposed development will involve minor earthworks associated with the construction of the church and the provision of a vehicular access, driveway and utility services. Should consent be granted, it is recommended that standard conditions be applied to ensure suitable measures are implemented on-site to minimise on and off-site impacts.</p>
(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	
(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—	Satisfactory.
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	Satisfactory.
(b) the effect of the development on the likely future use or redevelopment of the land,	Noted.
(c) the quality of the fill or the soil to be excavated, or both,	Satisfactory.
(d) the effect of the development on the existing and likely amenity of adjoining properties,	Should consent be granted, it is recommended that standard conditions be applied to ensure the source of any fill material and the destination of any excavated material is satisfactory.
(e) the source of any fill material and the destination of any excavated material,	Not applicable. A search was conducted through the Aboriginal Heritage Information Management System (AHIMS), which indicated for the location of the subject site that;
(f) the likelihood of disturbing relics,	

<p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p>	<ul style="list-style-type: none"> No aboriginal sites are recorded, and No aboriginal places have been declared <p>Satisfactory.</p>
<p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Satisfactory.</p>
<p>Note— The <i>National Parks and Wildlife Act 1974</i>, particularly section 86, deals with harming Aboriginal objects.</p>	
<p>6.2 (Repealed)</p>	
<p>6.3 Terrestrial biodiversity</p>	<p>Not applicable. The subject site is not land identified as "Biodiversity" on the Terrestrial Biodiversity Map - 4750_COM_BIO_014_040_20140131</p>
<p>6.4 Groundwater vulnerability</p>	<p>Not applicable. The subject site is not land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map - 4750_COM_GRV_014_040_20140131</p>
<p>6.5 Riparian land and watercourses</p>	<p>Not applicable. The subject site is not land identified as "Riparian land" on the Riparian Lands and Watercourses Map - 4750_COM_CL1_014_040_20140502</p>
<p>6.6 Wetlands</p>	<p>Not applicable. The subject site is not land identified as "Wetland" on the Wetlands Map- 4750_COM_CL1_014_040_20140502</p>
<p>6.7 Development on river front areas</p>	<p>Not applicable.</p>
<p>6.8 Development on river-bed and banks</p>	<p>Not applicable.</p>
<p>6.9 Airspace operations</p>	<p>Not applicable.</p>
<p>6.10 Development in areas subject to aircraft noise</p>	<p>Not applicable.</p>
<p>6.11 Tourist and visitor accommodation on land within Zone RU1</p>	<p>Not applicable.</p>
<p>6.12 Essential services Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p>	<p>The listed services are considered to be essential for the proposed development.</p>
<p>(a) the supply of water,</p>	<p>The supply of water is available from the existing water main located adjacent to the front boundary.</p>
<p>(b) the supply of electricity,</p>	<p>The supply of electricity is subject to adequate arrangements being made with Essential Energy.</p>
<p>(c) the disposal and management of sewage,</p>	<p>The disposal and management of sewage, is subject to the connection to the existing sewer main located adjacent to the front and rear</p>

	boundary.
(d) stormwater drainage or on-site conservation,	Stormwater drainage associated with the proposed development can be managed on site or directed to the Daalbata Road table drain.
(e) suitable vehicular access.	Suitable vehicular access is available to the allotment from Daalbata Road.
6.13 Location of sex services premises	Not applicable.

ii) State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala Habitat Protection 2020

Leeton Shire Council is identified in Schedule 2 as being a local government area to which Chapter 3 of the SEPP applies. However, the subject site is not within the prescribed land use zones (RU1, RU2 & RU3).

Chapter 4 Koala Habitat protection 2021

Leeton Shire Council is identified in Schedule 2 as being a local government area to which Chapter 3 of the SEPP applies. As such, Leeton Shire Council is in the koala management area of Far West Riverina.

It is considered that the proposed development is likely to have low or no impact on koalas or koala habitat.

SEPP (Exempt and Complying Development Codes) 2008

Not applicable.

SEPP (Housing) 2021

Not applicable.

Chapter 2 Affordable housing

Chapter 3 Diverse housing

Chapter 4 Design of residential apartment development

SEPP (Industry and Employment) 2021

Not applicable.

Chapter 3 Advertising and signage

SEPP (Precincts—Regional) 2021

Not applicable.

SEPP (Primary Production) 2021

Not applicable.

Chapter 2 Primary production and rural development

SEPP (Resilience and Hazards) 2021

Not applicable.

Chapter 3 Hazardous and offensive development

Chapter 4 Remediation of land

Leeton is identified as being land to which State Environmental Planning Policy (Resilience and Hazards) 2021 applies.

Clause 4.6 of the SEPP stipulates that Council must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

The subject site is not listed on Council's

<p>SEPP (Resources and Energy) 2021 Chapter 2 Mining, petroleum production and extractive industries</p>	<p>contaminated land register. Whilst the proposed development is not considered to be a change of use, there is no evidence of any use of the site for a purpose listed in Table 1 of the guidelines. The site has been assessed as suitable for the construction of a place of public worship. No further consideration of the SEPP is required.</p>
<p>SEPP (Sustainable Buildings) 2022</p>	<p>Not applicable. The proposed development is not BASIX Development as defined under the <i>Environmental Planning and Assessment Regulation 2021</i>. Accordingly, a BASIX Certificate was not required to be submitted with the Development Application.</p>
<p>SEPP (Transport and Infrastructure) 2021 Chapter 2 Infrastructure Part 2.3 Development controls Division 5 Electricity transmission or distribution Subdivision 2 Development likely to affect an electricity transmission or distribution network Section 2.48 Determination of development applications—other development Division 15 Railways Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements Section 2.98 Development adjacent to rail corridors 2.99 Excavation in, above, below or adjacent to rail corridors 2.100 Impact of rail noise or vibration on non-rail development Division 17 Roads and traffic Subdivision 2 Development in or adjacent to road corridors and road reservations Section 2.119 Development with frontage to classified road Section 2.120 Impact of road noise or vibration on non-road development</p>	<p>Not applicable. The proposed development does not include development specified in Section 2.48. Not applicable. The subject site is not adjacent to a rail corridor. Not applicable. The proposed development does not include excavation in, above, below or adjacent to rail corridors Not applicable. The subject site is not adjacent to a rail corridor. Not applicable. The subject property does not have a frontage to a classified road. Not applicable. The traffic volume data published on the website of the RTA indicates Daalbata Road does not have AADT traffic volume of greater than 20,000 vehicles. The proposed development is not considered likely to be adversely affected by road noise or vibration.</p>

Section 2.122 Traffic-generating development

Not applicable.
 The proposed development is not development specified in Column 1 of the Table to Schedule 3.

iii) Regional Environmental Planning Policies (REPs)

Riverina Murray Regional Plan 2041

The proposed development is considered to be consistent with the relevant provisions of the RMRP 2041.

b) Section 4.15(1)(a)(ii) – The provisions of 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

No proposed instrument is or has been the subject of public consultation under the EPAA and has been notified to the consent authority (Leeton Shire Council).

c) Section 4.15(1)(a)(iii) – The provisions of any development control plan

Leeton Comprehensive Development Control Plan 2022

Part A INTRODUCTION

A.3 Aims and objectives

The broad aims of the plan are:

- a. To provide guidance at the Development Application (DA) stage of new development.
- b. To promote growth and development in the Leeton Local Government Area.
- c. To ensure growth and development occurs in a consistent, orderly and environmentally sustainable manner.
- d. To ensure positive planning outcomes at individual sites are maximised for the benefit of the broader community.

The proposed development is consistent with the aims and objectives of this plan.

A.8 Using the plan

The plan has been prepared based on a framework that consists of objectives and standards. There may be instances where a number of standards need to be met in order to achieve an objective. In order to assist users understand which parts of the plan may need to be considered for particular development types, a matrix has been prepared and included in Appendix A. Applicants are still encouraged to consult with Council for clarification as to which parts of the DCP apply.

Noted.

A.9 Variation to standards

Council accepts that it is not possible to plan for all development scenarios and there will inevitably be situations where a development is not able to demonstrate compliance with one, or a number of

The proposed development does not require a variation to the development controls listed in the DCP.

standards in this plan. Where the plan sets a standard in relation to an aspect of a development, and a Development Application cannot demonstrate compliance with that standard, Council may still grant approval subject to a statement being submitted to Council that:

- a. Clearly identifies the standard(s) that cannot be complied with, and
- b. Clearly identifies why the standard(s) cannot be complied with, and
- c. Clearly explains why non-compliance with the standard(s) is warranted by special circumstances or to achieve a superior standard.

The requirements of Council's Community Participation Plan will prevail in terms of the advertisement / notification / consultation requirements for applications involving variations to the DCP.

A copy of the Community Participation Plan can be downloaded from the QR Code above.

Development Applications will be reported to a Council meeting for determination where significant variations to standards are proposed (i.e. more than 20% variation to standards). The process of reporting a Development Application to Council can lead to an increase in the time taken to finalise the determination of the Development Application. No guarantee of approval can be given for a Development Application proposing a variation to a planning standard.

Part I

HERITAGE GUIDELINES

Part I2 Development Requirements Heritage Items

Part I2 applies generally to developments involving Heritage Items listed in Schedule 5 of Leeton Local Environmental Plan 2014.

I1.1 Introduction

Aim of the plan

This Plan aims to ensure that all new development, alterations and additions to existing buildings listed in Schedule 5 Environmental Heritage and the conservation areas within Leeton, Whitton and Yanco in the Leeton Local Environmental Plan 2012, are designed and built in a way that will maintain and enhance their heritage significance by:

- a. Providing design guidelines for buildings that should be considered when planning new development;
- b. Outlining significant streetscape elements and building styles that should be taken into account when designing new development in the vicinity.

About this Part

Part I provides the detailed guidelines for

development to a heritage item or within the heritage conservation area and is aimed at assisting in the proper care and management of the Leeton Local Government Area's unique built environment.

The Plan is not intended to prevent or hinder development, or introduce requirements which are excessive. Rather, it aims to ensure that appropriate consideration is given to the potential impacts of each proposal, and that the requirements for different types of development are made clearer for applicants and assessment officers alike.

What is heritage and why is it important

Conserving our heritage is important for protecting the individual character and values of heritage items, conservation areas and archaeological sites. They individually and collectively have profound importance as valuable links to the past. They provide a source of community identity, evidence of evolution of society's values, impetus and inspiration for new ideas and revival of the old.

Our heritage helps to tell the story of our past and can include public buildings, private houses, housing estates, archaeological sites, industrial complexes, cemeteries, memorials and landscapes. These physical reminders are valued because they are associated with phases of history, or important people or events and they inform us about our cultural history.

Key Objectives

- a. To facilitate the implementation of the objectives and provisions relating to heritage conservation, which are contained within the Local Environmental Plan.
- b. To ensure that new development respects its context and is sympathetic in terms of form, scale, bulk, fabric, colours and textures without mimicking or adversely affecting the significant of heritage items and the Conservation Area and their settings.
- c. To provide controls for the development of land in the vicinity of heritage items and the Conservation Area;
- d. To provide clear information about the kind of work which will require a development application in particular areas and circumstances, and the nature of the information, which must be submitted with applications.
- e. To provide standards for the management, maintenance and conservation of heritage items.

Local heritage items

Heritage items are listed in Schedule 5 Environmental Heritage of the LEP and items can be buildings, works, trees, places, archaeological

relics and Aboriginal objects. All heritage items are valued for their particular value or heritage significance. Maintaining heritage items is the most practical way to protect significance and history of a building, work, relic, or place.

Demolition of a heritage item is generally not supported. Contact the Council to arrange to a meeting with the Heritage Advisor if you are considering demolition of a heritage item.

When is a Development Application Required?

Council should be consulted before carrying out any changes to buildings or sites which:

- a. are listed as heritage items;
- b. are in a Conservation Area; or
- c. are in the vicinity of heritage items or Conservation Areas.

Development applications will generally be required for proposals which:

- a. potentially impact upon the heritage significance of a heritage item; or
- b. involve development or use of a component of a Conservation Area which has the potential, in the opinion of Council, to significantly affect that component and/or the character of the Conservation Area.

12.3 Development in the vicinity of heritage items

Explanation

In addition to the requirements of the Leeton Local Environmental Plan and matters raised previously, determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for the development proposal. The analysis should consider historical property boundaries, significant vegetation and landscaping, archaeological features and significant view. The following principles should be given particular attention when considering new development in the vicinity of heritage items.

Objectives

- a. To ensure that new buildings provide a setting for the adjoining heritage item, so that it's historical context and heritage significance are maintained.
- b. Encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item.

Controls

- a. Providing an adequate area around the heritage item to allow its interpretation and respecting the views to and from the heritage item.
- b. Development in the vicinity of listed heritage items shall respect and complement the built

A heritage item with local significance exists within vicinity of the subject site.

*Item 178 - House (former Henry Lawson Cottage)
 37 Daalbata Road Lot 21 DP 1015345*

The proposed development is not considered to generate any significant impacts with respect to the heritage item. The existing space around the heritage item, that enables its interpretation, is retained. Significant views and lines of sight to the heritage item are unaffected by the proposed development.

Satisfactory.

Satisfactory.

<p>form character of those items in terms of scale, setback, siting, external materials, finishes and colour.</p>	
<p>c. New development shall have regard to the established siting patterns of the locality.</p>	Satisfactory.
<p>d. New development should generally be set back from the line of the adjoining or adjacent heritage item.</p>	Satisfactory.
<p>e. The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items.</p>	Satisfactory.
<p>f. Height and scale of new buildings shall not obscure or dominate an adjoining or adjacent heritage item.</p>	Satisfactory.
<p>g. Development in the vicinity of a heritage item may be contemporary in design, however discussion with Council's heritage advisor is recommended prior to preparing Development Application.</p>	Satisfactory.
<p>Part J PARKING AND ACCESS Part J1 Car Parking Code</p> <p>Part J1 provides introductory information for car parking and access associated with new development in the Leeton Shire Local Government Area.</p> <p>J1.1 Application of Section</p> <p>Section J.1 applies to:</p> <p>a. New floor space or buildings.</p> <p>b. Alterations or additions to any existing building that requires development consent, whether or not such additions or alterations involve a change in building use.</p> <p>c. A change of use for which development consent is required, and that would require the provision of a greater number of on-site parking spaces than the previous use.</p> <p>Off street parking provided to existing developments shall be retained. Additional parking spaces required for any new development, redevelopment or change of use shall be provided in accordance with the provisions of this part of the Plan. Certain types of development may qualify for car parking exemptions.</p> <p>A development comprising a combination of two or more uses, such as combined motor sales and repairs, will be assessed as if the two uses exist independently.</p> <p>More detailed examination of how car parking rates apply to development is contained in Section J.1.5.</p> <p>J1.2 Objectives</p> <p>The objectives for parking are to:</p> <p>a. Ensure that adequate provision is made for</p>	
	The proposed development is for a new building.
	Noted.

- offstreet parking consistent with the parking demand generated by the development.
- b. Provide convenient and adequate parking for staff, clients, visitors and servicing groups.
- c. To provide parking areas which promote ease of access as well as suitable internal circulation patterns.
- d. Ensure quality of parking areas in terms of safety, amenity and integration with surrounding areas.
- e. Ensure the adequate provision of suitably located parking for disabled persons.
- f. Provide landscaping and quality materials in the construction of parking areas to improve the amenity of those parking areas.
- g. Provide parking areas which promote ease of access as well as suitable internal circulation patterns.
- h. Ensure that all traffic generating developments are in accordance with the Roads and Traffic Authority's "Guide to Traffic Generating Developments" and relevant Australian Standards.
- i. Ensure that each development proposal is assessed consistently and equitably with respect to parking.

J1.3 Application of Standards and Guidelines

Part H of this DCP must be read in conjunction with other relevant Australian Standards and legislation, which will always prevail in the event of an inconsistency with this plan.

As a guideline, the following standards and guidelines (most up to date versions thereof) may have application to the design and assessment of car parking and access for new development in the Leeton Shire:

- a. AS 2890.1 Part 1: Parking Facilities: Off-street Car Parking;
- b. AS 2890.2 Part 2: Parking Facilities: Off-street
- c. AS 2890.3 Part 3: Parking facilities Bicycle parking
- d. AS 2890.5 Part 5: Parking facilities On-street parking
- e. AS 2890.6 Part 6: Parking facilities Off-street parking for people with disabilities
- f. AUSTRROADS Guide to Traffic Management.
- g. Building Code of Australia (BCA)
- h. RTA "Guide to Traffic Generating Developments".
- i. AUSTRROADS "Guide to Road Design".

J1.4 Definitions

Gross floor area (GFA) means the overall area of a building as measured from the outer face of external walls, but excludes:

Noted.

Noted.

- a. Columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall.
- b. Lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air conditioning ducts.
- c. Car parking needed to meet any requirements of Council and any internal access to such spaces.
- d. Space for the loading and unloading of goods.

J1.5 Off street parking calculations

Objective

To provide guidance on appropriate car parking rates to service new development types in the Leeton Shire Local Government Area.

Standards

- a. Car parking will generally be required to be provided on the site of the development at rates in accordance with Tables 1 to 7.
- b. Despite control a), Council may be prepared to consider the provision of other appropriately zoned land for parking purposes, provided the alternate location is convenient to the subject development, safe to both pedestrians and motorists using and travelling on part of the facility and will satisfy the requirement.
- c. Off-street car parking should be provided for both customers and staff of the subject development and not exclusively for private purposes. Free and uninterrupted access to car parking areas should be maintained at all times during the hours of operation of the development.

Note:

In the case of a number of different land uses comprising the development, the parking requirements for each separate use shall be calculated and then added together to provide the total parking requirement.

Variation to this requirement will only be considered by Council where the applicant can demonstrate that the peak demand for each land use component of the development is staggered or that development as whole generates less parking than separable parts.

Table 5 – Community Land-use Types

LEP definition	Parking Requirements
Places of public worship	Whichever is the greater of: 1 space per 10m ² or 1 space per 10 seats.

Noted.

Complies. The proposed development provides 15 car parking spaces, in accordance with Table 5.

Whichever is the greater of: 1 space per 10m² or 1 space per 10 seats.

$140.9m^2 \div 10m^2 = 14 \text{ spaces}$

$40 \text{ people} \div 10 = 4 \text{ spaces}$

Not applicable.

Not applicable.

Not applicable.

J1.6 Parking Credits

Not applicable. The proposed development is not

<p>Objective To ensure there is a fair and equitable approach to the provision of on-site car parking for new development involving change of use premises or alterations and additions.</p>	<p>a change of use nor alterations and additions.</p>
<p>J1.7 Car parking exemptions Objective To ensure that an appropriate framework is in place to allow exemptions to on-site car parking requirements for minor or low impact developments. The requirement to provide off-street car parking over and above what is currently provided for any one particular site (if any), may be exempted by Council under the following circumstances:</p>	<p>Not applicable.</p>
<p>J1.8 Variation to parking requirements Objective To ensure there is an appropriate planning framework that allows for variations to on-site car parking requirements associated with new development in the Leeton Local Government Area.</p>	<p>Not applicable.</p>
<p>Part J3 Parking + Access Non-Residential Uses J3.1 Parking area locations The following controls apply to new developments requiring the construction of new off-street car parking areas:</p> <ul style="list-style-type: none"> a. Parking locations should be accessible to principal staff and/or customer entrances. b. Parking locations should enable adequate connections to existing and proposed road and pedestrian network. c. Parking locations should avoid areas that are constrained by slope and drainage. d. Parking locations should not result in adverse visual and acoustic amenity impacts for adjoining sites, particularly those which are used for residential purposes. <p>J3.2 Parking area design</p> <ul style="list-style-type: none"> a. The layout and dimensions of car parking areas shall be provided in accordance with the relevant Australian Standard. b. All parking areas should incorporate a rational circulation pattern. Dead-end parking aisles will not be permitted except in small parking areas or areas reserved for a specific low turnover (eg staff parking areas). c. No account will be taken of spaces which do not have direct access to a driveway or which are double banked or obstructed in any way when assessing the car parking spaces provided. 	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Satisfactory.</p> <p>Noted. Condition to be included.</p> <p>Complies.</p> <p>Not applicable.</p>

<p>d. Parking areas should be suitably marked by lines or other approved means to indicate the layout and circulation pattern of traffic.</p>	<p>Noted. Condition to be included.</p>
<p>e. Where necessary, adequate space shall be made for the manoeuvring of rigid and articulated heavy vehicles.</p>	<p>Not applicable.</p>
<p>f. Car park design incorporates appropriate lighting where it is anticipated that the area will receive night-time use by customers or staff.</p>	<p>Complies.</p>
<p>J3.3 Site access design</p>	
<p>a. Site access should be located:</p>	<p>Complies.</p>
<p>i. No closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary.</p>	
<p>ii. Not within 12 metres on the approaches to a “stop” or “give way” sign.</p>	
<p>iii. So that any vehicles entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street.</p>	
<p>iv. Clear of obstructions, which may prevent drivers having a timely view of pedestrians.</p>	
<p>v. In locations that are visible and accessible from the road frontage.</p>	
<p>vi. Where it will cause least interference with vehicle and pedestrian movement on public roads.</p>	
<p>vii. In locations that do not provided direct access locations are not possible and appropriate design standards can be achieved.</p>	
<p>viii. With sufficient proximity away from traffic signals, intersection.</p>	
<p>ix. In areas which do not require the removal of street trees or other significant roadside vegetation.</p>	
<p>b. Site accesses should be designed and constructed:</p>	<p>Complies.</p>
<p>i. In accordance with the Leeton Shire Council Engineering Guidelines (latest version).</p>	
<p>ii. To suit design traffic loads.</p>	
<p>iii. With signposting (including the use of “in” or “entrance” and “out” or “exit” signs,) where appropriate.</p>	
<p>iv. At right angles to the centreline of any road where the access crosses a footpath or footway.</p>	
<p>v. To allow vehicles to enter and leave the site in a forwards facing direction.</p>	
<p>vi. With a turning radius that is located wholly within the property boundary where semicircle access or “in-out” access arrangements are proposed.</p>	
<p>vii. To avoid roadside stormwater encroaching onto private property.</p>	

<p>viii. With sufficient standing area to eliminate the potential for on-street queuing of vehicles entering parking and loading areas.</p> <p>c. Entry and exit driveway widths are in accordance with:</p> <p>i. Leeton Shire Council Engineering Guidelines (latest version), and</p> <p>ii. Relevant standards identified in Section J1.3.</p>	<p>Complies.</p>
<p>J3.4 Disabled parking requirements</p> <p>Both Council and developers have a responsibility to provide readily accessible parking for disabled persons in accordance with the Disability Discrimination Act.</p> <p>The following controls apply:</p> <p>a. Parking for disabled persons are to be provided and signposted in accordance with the requirements of Australian / New Zealand Standard 2890.6:2009 Parking Facilities – Off Street Parking for People with Disabilities.</p> <p>b. Disabled parking spaces is to be provided at the rate of 1 space for parking areas comprising up to 20 spaces and thereafter at a rate of 2% of designated spaces.</p> <p>c. Car parks comprising 20 spaces or more are to be provided with tactile surfaces to assist vision impaired persons to access the premises in accordance with the requirements of Australian / New Zealand Standard 1428.4:2009 Design for Access and Mobility Part 4: Tactile Indicators.</p> <p>d. A continuous accessible path of travel must be provided between designated car parking spaces for people with a disability and lift, lobby or access points servicing the development, and this access should not have a gradient that is steeper than 1:14.</p>	<p>Complies. 1 space is proposed.</p>
<p>J3.5 Internal road design</p> <p>This Section applies to all types of non-residential developments requiring the provision of off-street car parking:</p> <p>a. All internal roads and driveways shall be designed for low speed environments. Generally, vehicular speeds should range between 10-30 km/h, depending on the expected amount of pedestrian use.</p> <p>b. For internal roads between the driveway and the parking area, the recommended minimum carriageway width depends on the number of parking spaces and service bays. These minimum widths are provided in Table 9 .</p> <p>c. Despite control (b), complex developments (particularly where shared use of roads by cars and service vehicles is anticipated) the design of internal roads is to be determined from a study of the site traffic generation and vehicle characteristics.</p>	<p>Complies.</p> <p>Table 9 - Internal road widths</p> <p>Number of parking spaces / service bays 1 – 24 spaces and length not exceeding 40m</p> <p>Circulation width 6.0m</p>

J3.6 Loading / unloading facilities

Not applicable.

J3.7 Signage

Noted. Condition to be included.

- a. Parking areas should be well sign posted to indicate the availability of off-street parking, with exit and entry points clearly visible from both the street and the site.
- b. Pavement arrows should clearly indicate the direction of traffic circulation. Parking areas shall be clearly delineated as well as spaces for specific uses (eg disabled, staff, visitors).
- c. Where car parking areas are not visible from the entrance to the development, directional sign posting will be required.
- d. Parking areas that are subject to frequent night time use by the public should utilise reflective materials for signs and line marking.

J3.8 Pedestrian travel

Complies.

- a. Pedestrian footpaths should be designed to optimise access to and within the development.
- b. Footpath gradients should be minimised taking into account the possible shopping trolley, pram and gopher traffic and the need to maximise ease of use.
- c. Safety lighting should be provided within the car park to ensure that pedestrian pathways have observable paths of travel.
- d. Provision of parking and access aisles should not compromise the equity and amenity of pedestrian access. Pathways should be wide enough to accommodate disabled access.

J3.9 Safety and security

Noted. Condition to be included.

- a. Development proposals involving large car parking areas, or night-time parking areas will be assessed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
- b. The use of lighting should be considered where night use of parking areas is involved and where existing street lighting is inadequate.
- c. Where parking areas utilised at night are located within residential areas, consideration should be given to the positioning of lighting and location of driveways to minimise head light glare and traffic noise. In such cases fencing and/or landscaping may be necessary to avoid loss of amenity to residential areas.

J3.10 Landscaping

Complies.

- a. Parking areas should be landscaped to provide shade, improve the visual amenity of large all weather surfaces and to provide a buffer from neighbouring areas.
- b. Landscaping should be provided to enhance user amenity through sun control.
- c. Existing trees on site should be retained where possible. Care should be taken in the selection of new plant species not to block signs and to

- allow ingress and egress points to be clearly visible.
- d. Details of species selection of shade trees, species condition, size of beds, under storey and ground cover planting, irrigation provision should be provided with the landscape plan submitted to Council for approval.
 - e. Landscaping provision for sun control (shading) should be provided at the rate of 1 shade tree for every 6 car parking spaces. Planting of shade trees within parking areas should be protected from damage from vehicles (eg tree guards/wheel stops).

J3.11 Bicycle parking

J3.12 Car park construction

- a. Car parks are constructed generally in accordance with the Leeton Shire Council Engineering Guidelines (latest version).
- b. In addition to control a), the following general constructions apply to new car parking constructions:
 - i. All concrete / paved / impervious surfaces are to be properly drained to the public drainage system or another legal point of discharge.
 - ii. All trafficable surfaces should be bound with a suitable kerb to assist in stormwater management and prevent the movement of vehicles on non-trafficable areas.
 - iii. Parking areas are to be barricaded from non traffic areas by kerbs, barriers or landscaping.
 - iv. Parking spaces are to be defined by painted lines or permanent means where the approved car parking surface is not conducive to painting.

J3.13 Surface materials

- a. All new car parking areas and their associated site accesses, vehicle manoeuvring areas and loading / unloading areas must be constructed with a surface finish in accordance with Table 11 below.

Not applicable.

Noted. Condition to be included.

Complies.

Table 11 - Design requirements for service vehicles

Component	Acceptable surface finish
Site Access (to property boundary)	concrete
Vehicle manoeuvring Areas	concrete / bitumen seal / crushed blue metal (or similar) if < 6 car psaces
Car Parking Spaces	concrete / bitumen seal
Accessible path of travel (where required)	concrete / bitumen seal

- d) **Section 4.15(1)(a)(iiia) – The provisions of 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**

There is no draft or current planning agreement applicable to this application under Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

e) Section 4.15(1)(a)(iv) – The provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning and Assessment Regulation 2021

61 Additional matters that consent authority must consider	
Demolition	Not applicable.
Subdivision Orders	Not applicable.
Manor house or terraces	Not applicable.
62 Consideration of fire safety	Not applicable.
63 Considerations for erection of temporary structures	Not applicable.
64 Consent authority may require upgrade of buildings	Not applicable.
66A Council-related development applications	Not applicable.

f) Section 4.15(1)(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

Context and setting

The proposed development is for a place of public worship within a residential area. The proposed development is appropriate within the setting and consistent with the outcomes sought for the site.

Streetscape

The proposed development will not have a detrimental impact on the streetscape. The façade of the proposed development is similar to a single storey dwelling and the front setback is consistent with those of adjacent properties.

Access, transport and traffic

Suitable vehicular access is available to the allotment from Daalbata Road. Satisfactory arrangements are proposed to provide sufficient parking on the site. The proposed development will have a negligible impact on the adjacent road network.

Noise and vibration

The associated construction work will result in some short-term noise disturbance to neighbouring residents. There are three potential noise sources when the facility is operational.

- 1) Activities within the church hall
- 2) Air conditioning
- 3) Cars arriving and departing, parking and people talking (14 car parking spaces)

The statement of environmental effects indicates that;

The NSW Government Industrial Noise Policy establishes guidelines for noise goals for residential receivers in terms of external noise levels based on both amenity and intrusiveness. The hall will be air conditioned with external condensing

units. It is understood that the air conditioning units (residential in scale) will be located as discretely as possible.

The Industrial Noise policy makes provision for a duration adjustment for infrequent events. During the daytime and evening a 5dBA increase in acceptable noise level is allowed for a noise event of 15 minutes to one hour in a 24 hour period. There is no allowable adjustment at night.

The use of the church hall from 7pm to 8pm Mondays is considered to potentially generate noise that would be consistent with residential uses in the vicinity of the subject site.

The use of the church hall from 6am on Sundays is considered to potentially generate noise that could disturb residents in the vicinity of the subject site. However, the impact from those activities is considered to be acceptable for the following reasons;

- the small scale of the development,
- the limited operating hours of the facility,
- there are no openings in the wall facing 35 Daalbata,
- the dwelling at 35 Daalbata has only one habitable room facing the facility,
- there is a shed located at 30 Tulipwood between the proposed facility and the dwelling,
- the dwelling at 31 Daalbata is located towards the rear of the property, and
- there is existing solid fences to the common boundaries

A condition will be included in the consent stipulating that noise arising from the development shall be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Services

The subject site is adequately serviced.

Heritage

The subject site does not contain a heritage nor is it within a heritage conservation area. However, there is a listed heritage item within proximity of the site at 37 Daalbata Road - *Item 178 House (former Henry Lawson Cottage)*.

The proposed development is not considered to generate any significant impacts with respect to the heritage item. The existing space around the heritage item, that enables its interpretation, is retained. Significant views and lines of sight to the heritage item are unaffected by the proposed development.

Flora and Fauna

The proposed development does not propose the removal of any vegetation.

Natural Hazards

The proposed development has been considered against the relevant flood provisions of the LLEP 2014 and DCP and is noted as being located within a flood planning area. The proposed development is considered to be satisfactory in regard to the risks associated with flooding.

The proposed development has been considered against the relevant bushfire provisions of the LLEP 2014 and DCP. A risk assessment is not required as the development is not mapped as being on Bushfire Prone Land.

Man-made Hazards

The site is not subject to any man-made hazards.

Socio-Economic Impact in the Locality

The proposal is considered to have positive impacts for the locality including the employment of persons involved in the erection of the proposed building.

The principals of Ecologically Sustainable Development:

The following are principles of ecological sustainability:

1 *The precautionary principle, public and private decisions should be guided by:*

(a) *Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*

(b) *An assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

2 *Intergenerational equity*

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 *Conservation of biological diversity and ecological integrity*

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 *Improved valuation, pricing and incentive mechanisms*

Environmental factors should be included in the valuation of assets and services:

(a) *Polluter pays (that is, those who generate pollution and waste should bear the cost of contaminate, avoidance or abatement), and*

(b) *The users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and*

(c) *Environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development will not result in any anticipated irreversible environmental damage.

g) Section 4.15(c) – The suitability of the site for the development

The subject site is considered to be suitable for the proposed development for the following reasons:

- The proposal is consistent with the relevant development controls and no adverse impacts have been identified.
- The proposed use is consistent with the land use zoning of the site.
- The site is of a sufficient land size to enable the proposed development.
- The proposed development is in keeping with the character of the local area.

h) Section 4.15(d) – any submissions made in accordance with the Act or the regulations

Advertising

The application was not required to be advertised.

Referrals to Public Authorities

The development application was not required to be referred to any public authorities.

Notification

The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.

Three (3) submissions were received during the notification period that closed on 6th September 2024. An additional submission was also received on 23rd September 2024.

The applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend

the development. Subsequently, the applicant provided a response to the submissions and an amended proposal.

The submissions raised the following matters (in bold):

Traffic impacts

The use of the proposed development is considered to generate additional traffic movements in the vicinity of the subject site. However, the impact from the traffic movements is considered to be acceptable, given the scale of the development and the limited operating hours of the facility. The proposed development will have a negligible impact on the adjacent road network.

Parking

Car parking for the proposed development is provided in accordance with the rates set out in Table 5 of Part J1.5 of the Leeton Development Control Plan 2022.

Acoustic Impact

The associated construction work will result in some short-term noise disturbance to neighbouring residents.

The use of the facility from 7pm to 8pm Mondays is considered to potentially generate noise that would be consistent with residential uses in the vicinity of the subject site.

The use of the church hall from 6am on Sundays is considered to potentially generate noise that could disturb residents in the vicinity of the subject site. There are three potential noise sources when the facility is operational.

- 1) Activities within the church hall
- 2) Air conditioning
- 3) Cars arriving and departing, parking and people talking (14 car parking spaces)

The statement of environmental effects indicates that;

The NSW Government Industrial Noise Policy establishes guidelines for noise goals for residential receivers in terms of external noise levels based on both amenity and intrusiveness. The hall will be air conditioned with external condensing units. It is understood that the air conditioning units (residential in scale) will be located as discretely as possible.

The Industrial Noise policy makes provision for a duration adjustment for infrequent events. During the daytime and evening a 5dBA increase in acceptable noise level is allowed for a noise event of 15 minutes to one hour in a 24 hour period. There is no allowable adjustment at night.

The impact from those activities is considered to be acceptable for the following reasons;

- the small scale of the development,
- the limited operating hours of the facility,
- there are no openings in the wall facing 35 Daalbata,
- the dwelling at 35 Daalbata has only one habitable room facing the facility,
- there is a shed located at 30 Tulipwood between the proposed facility and the dwelling,
- the dwelling at 31 Daalbata is located towards the rear of the property, and
- there is existing solid fences to the common boundaries

A condition will be included in the consent stipulating that noise arising from the development shall be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Streetscape

An assessment of the application concluded that the proposed development will not have a detrimental impact on the surrounding streetscape. The façade of the proposed development is

similar to a single storey dwelling and the front setback is consistent with those of adjacent properties.

Loss in value of property

The potential future economic loss, due to the impacts generated by the proposed development, is not considered to be a relevant matter in the assessment of the development application. The potential effects on property values is not easily quantifiable as they are subject to market forces and a wide range of other factors.

i) Section 4.15(e) – the public interest

The development is consistent with the aims and objectives contained in the Leeton Local Environmental Plan 2014, other relevant Environmental Planning Instruments and the Leeton Development Control Plan 2022. As discussed throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The proposed development is in the public interest as it allows for the orderly and economic development of the site.

4.03 Other Legislative Requirements

a) Commonwealth

Environmental Protection & Biodiversity Conservation Act 1999

The provisions of the Environment Protection and Biodiversity Conservation (EPBC) Act only relates to proposed actions which have the potential to significantly impact on Matters of National Environmental Significance or the environment or Commonwealth owned land.

There are no matters of National Matters of Environmental Significance within the Leeton local government area and the development site is not listed as a National Heritage Place. There is not proposed to be any impact on flora and fauna as part of the development.

As a result, there will not be any impact on matters referenced in the EPBC Act and so there is not any need for any assessment to be carried out.

b) New South Wales

Biodiversity Conservation Act 2016	Considerations has been made under the provisions of Section 1.7 of the EPAA. Refer Part 4.01(a) of this report.
Fisheries Management Act	Considerations has been made under the provisions of Section 1.7 of the EPAA. Refer Part 4.01(b) of this report.
Local Government Act 1993	Not applicable. The proponent will require relevant approvals prior to work being carried out for water supply, sewerage and stormwater drainage.
Roads Act 1993	Not applicable. The proponent will require relevant approvals for any work carried out within the road reserve.
Heritage Act 1977	Not applicable.
Protection of the Environment Operations Act 1997	Not applicable.
Contaminated Land Management Act 1997	Not applicable.
National Parks & Wildlife Act 1974	Not applicable.
Water Management Act 2000	Not applicable.
Rural Fires Act 1997	Not applicable.

c) Council Policies

Asbestos Policy	Not applicable.
Community Engagement Strategy 2022 - 2025 (incorporating Land Use Participation Plan)	Refer above comments in Part 2 Notification/Community Consultation and Part 4.02(h) - <i>Section 4.15(d) – any submissions made in accordance with the Act or the regulations.</i>
Conflicts of Interest Policy	Not applicable. This policy applies to Council-related developments and where an applicant is a staff member or Councillor.
Contaminated Land Management Policy	Not applicable.
Council Footpaths Use for Sales Advertising Structures Customer - Furniture etc	Not applicable.
Developer Contributions Deferred Payment Policy	Not applicable.
Development Application Objections Policy	<p>The application was placed on neighbour notification, in accordance with the criteria listed in Part 2 - Community Participation Plan of the Leeton Shire Council Community Engagement Strategy 2022 – 2025.</p> <p>Three (3) submissions were received during the notification period that closed on 6th September 2024 (Attachment 4). An additional submission was also received on 23rd September 2024.</p> <p>As required under Part 8 of the Policy, where a Development Application is the subject of more than one objection, the matter will be submitted to Council for determination.</p> <p>Part 8 of the Policy also requires that staff endeavour to resolve/mediate an outcome between the objectors and the applicant. To that end, the applicant was made aware of the submissions and was invited to make due consideration of the issues raised in the submissions and to provide a response, including details of any proposals to amend the development. Subsequently, the applicant submitted a response to the submissions (Attachment 5).</p>
Disability Inclusion Action Plan (DIAP).pdf	Not applicable.
Engineering Guidelines for Subdivisions & Development Standards - 2022-2023	The development application was not considered to require a referral to Council's Development Engineer.
Environmental Sustainability Policy NQF OSHC NSW	Not applicable.
Heritage Strategy for Leeton Shire Council 2018-2021	Not applicable.
Housing Strategy - Leeton Shire Council - 2021 - 2041	Not applicable.
Leeton Local Strategic Planning Statement	Not applicable.
Leeton Shire Flood Study - Volume 1 Report	The subject site is located within a flood planning area. The proposed development is considered to be satisfactory in regard to the

	risks associated with flooding.
Liquid Trade Waste Policy	Not applicable.
Low Pressure Sewer Policy	Not applicable.
Onsite Sewage Management Policy	Not applicable.
Pedestrian Access and Mobility Plan (PAMP)	Not applicable.
Swimming Pool Policy	Not applicable.

5. ADMINISTRATION

5.01 Conflicts Of Interest

Members of staff must ensure that they do not engage in any activities that:

- a) Conflicts with official duties
- b) Involves using confidential information or council resources obtained through work with the council, or
- c) Discredits or disadvantages the council.

A conflict of interest arises if it is likely that a person with a private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced. Council's Code of Conduct requires staff to declare potential Conflicts of Interest and take appropriate action to resolve these situations.

No conflicts of interest arose during the assessment of this application.

5.02 Delegations

In accordance with the adopted delegations of Council the application will be determined by the Nominated Council Officer.

5.03 Disclosure of political donations and gifts

Section 10.4 of the EPAA requires the disclosure of political donations and gifts, as defined within the Election Funding and Disclosures Act 1981.

No disclosures have been made by the applicant or any person making a submission to the application.

6. CONCLUSION

6.01 Summary

The development is considered to be satisfactory based on the foregoing assessment.

The development has been assessed against the matters for consideration that apply to the land to which the development application relates as outlined in Section 4.15 of the Environmental Planning and Assessment Act, 1979 as follows:

- The proposed development is, subject to the recommended conditions, consistent with the objectives of the relevant environmental planning instruments, being; Leeton Local Environmental Plan 2014 and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Leeton Council Comprehensive Development Control Plan 2022.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.

- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

6.02 Recommendation

It is recommended that development application DA93/2024 for "Place of public worship" be approved, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 under the delegated authority of Council, subject to the conditions detailed in Appendix B.

6.03 Determination

I hereby adopt the above recommendation. I am unaware of any revocation of the authority delegated to me.

Michael Peisley
Building Surveyor

Date: 11.10.2024

Francois Van Der Berg
Manager Planning, Building & Health

Date: 11.10.2024

APPENDIX A

FLOOR SPACE RATIO CALCULATIONS – DA93/2024		
SITE AREA		
Total Site Area	1,242.0	m²
Exclusions		
land on which the proposed development is prohibited	-	
area of the access laneway of a battle-axe lot is not part of the area of the lot	-	
community land or a public place (except as provided by subclause (7))	-	
FSR Site Area	1,242.0	m²
GROSS FLOOR AREA		
Buildings		
church	140.9	m ²
the area of a mezzanine	-	
habitable rooms in a basement or an attic	-	
any shop, auditorium, cinema, and the like, in a basement or attic	-	
Sub total (GFA)	140.9	m²
excludes:		
	-	lifts (common vertical circulation)
	-	stairs (common vertical circulation)
		basement
	-	storage
	-	vehicular access
	-	loading areas
	-	garbage
	-	services
	-	plant rooms
	-	lift towers
	-	mechanical service areas
	-	ducting
	-	car parking to meet any requirements of the consent authority (including access to that car parking),
	-	space used for the loading or unloading of goods (including access to it)
	-	terraces and balconies with outer walls less than 1.4 metres high
	-	voids above a floor at the level of a storey or storey above
TOTAL GROSS FLOOR AREA	140.9	m²
Floor Space Ratio	0.11	
LEP Floor Space Ratio	0.50	

APPENDIX B – DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. Approved plans and documentation

The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Title/Plan no:	Ref no:	Sheet no:	Revision:	Prepared by:	Dated:
Statement of Environmental Effects	33 Daalbata	-	1.0	Anthony Daintith Town Planning	7.8.2024
Site Plan	33 Daalbata	2	4	JCAD	7.8.2024
Floor Plan	33 Daalbata	4	4	JCAD	7.8.2024
Roof Plan	33 Daalbata	5	4	JCAD	7.8.2024
Elevations & Section	33 Daalbata	6	4	JCAD	7.8.2024
Landscape Plan	33 Daalbata	7	4	JCAD	7.8.2024

{Reason: To ensure that the development is undertaken in accordance with that assessed}

2. Hours of operation

The approved hours of operation for this development are:

Monday 7pm to 8pm

Sunday 6am to 7am

{Reason: To protect and preserve the amenity of the surrounding locality}

3. Noise levels

Noise from the use of the place of public worship (L_{Aeq}) shall not exceed the background noise level (L_{A90}) by more than 5dB(A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.

{Reason: Council requirement to prevent the generation of a noise nuisance}

4. Intrusive noise

The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any intrusive noise, as defined under the *Protection of the Environment Operations Act 1997 (NSW)*.

Should Council consider intrusive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustic consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the acoustic consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

{Reason: To protect the amenity of the surrounding environment and compliance with the Protection of the Environment Operations Act 1997.}

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. Activity on site

No activity is to be carried out on site until the Construction Certificate has been issued, other than:

- a) Site investigation for the preparation of the construction, and/or

b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

{Reason: To ensure the construction certificate is issued prior to the commencement of works.}

6. Application to be made in Planning Portal

Should Council be appointed as the Principal Certifier, an application for a Construction Certificate shall be submitted through the NSW Planning Portal and approved prior to the commencement of any building work, with appropriate fees being paid.

{Reason: To ensure the applicant has submitted the appropriate documentation prior to the commencement of works.}

7. Off-street parking

Off-street parking is to be provided for a minimum of 14 vehicles, including 1 for disabled persons. The design and layout of off-street parking facilities shall be in accordance with AS/NZS 2890.1:2004 - *Parking facilities - Off-street car parking* and AS/NZS 2890.6:2009 - *Parking facilities - Off-street parking for people with disabilities*.

Full details are to be included in the documentation for a Construction Certificate application.

{Reason: to provide car parking spaces commensurate with the level of development.}

8. Sealing of vehicle manoeuvring areas

All internal driveway, parking areas and vehicular turning areas shall be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained to facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

Full details are to be included in the documentation for a Construction Certificate application.

{Reason: to provide a surface that will withstand the proposed traffic movements and to suppress dust levels so as not to cause a nuisance to adjoining properties.}

9. Landscaping Plan

Prior to the issue of a Construction Certificate a landscaping plan shall be submitted to and approved by Council.

The landscaping plan shall be drawn to scale and include:

- a) Minimum scale of 1:200
- b) Location of all proposed trees and shrubs
- c) The species of all proposed trees and shrubs
- d) Height and spread of selected species at maturity
- e) Irrigation measures

{Reason: to reduce the impact of the development on adjoining development}

10. Lighting

The proposed outdoor lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light or detract from the amenity of surrounding properties in accordance with Australian Standard 4282:1997 - *Control of the obtrusive effects of outdoor lighting*.

Full details are to be included in the documentation for a Construction Certificate application.

{Reason: To protect and preserve the amenity of the surrounding locality}

PRIOR TO THE COMMENCEMENT OF WORKS

11. Section 68 Approval

An application to carry out water supply, sewerage and stormwater drainage work, under Section 68 of the Local Government Act 1993 must be submitted through the NSW Planning Portal and approved by the consent Authority, prior to the commencement of work.

{Reason: To ensure the correct approvals under the Local Government Act 1993 have been issued.}

12. Floor level

The finished floor level of the proposed building shall be constructed to a height of not less than the Australian Height Datum to allow for a minimum of 300mm freeboard above a 1:100 Average Recurrence Interval flood event.

The applicant is to engage a registered surveyor to establish the finished floor level height prior to the construction of the floor. The registered surveyor is to submit a report to the Principal Certifier, confirming that the FFL is a minimum of 300mm above the 1:100 Average Recurrence Interval flood event, at time of either the concrete floor slab inspection or the floor frame inspection.

{Reason: To ensure that the floor level is above the required floor level for the 1% AEP flood event}

DURING BUILDING WORKS

13. Building Code of Australia

All building works shall be carried out in accordance with the Building Code of Australia.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

14. Construction hours

Construction work shall only be carried out within the following time:

Monday to Friday:	7.00 am to 6.00 pm
Saturday:	8:00am to 4:00pm
Sunday and public holidays:	No construction work permitted

{Reason: Council requirement to reduce likelihood of noise nuisance}

15. Public access to site

Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures shall be in accordance with SafeWork NSW publication titled, 'Site Security and Public Access onto Housing Construction Sites' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

{Reason: To comply with the requirements set by SafeWork NSW.}

16. Protection of public places

A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place. If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the Roads Act 1993 will need to be lodged with Council together with the associated fee.

{Reason: To ensure the protection of the surrounding public from all building related materials.}

17. Site signage

A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:

- a) The name, address and telephone number of the Principal Certifier for the work; and
- b) The name of the Principal Contractor and a telephone number at which that person may be contacted outside of working hours; and
- c) That unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.

{Reason: Compliance with prescribed conditions made under Environmental Planning & Assessment Regulation 2021.}

18. Temporary Closet Facility

Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change or temporary connections to Council's sewer where available, such connections to be carried out by a licensed plumber and drainer.

{Reason: To ensure all workers on site have access to toilet facilities.}

19. Erosion and sediment control - site

Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed, or earthworks are carried out.

{Reason: To ensure no detrimental effects are caused to Council infrastructure.}

20. Erosion and sediment control – vehicles

Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

{Reason: To protect and council infrastructure and to ensure all system functions remain in good working order.}

21. Access driveway

The existing access driveway from Daalbata Road is to be removed and reinstated with a new access driveway constructed in accordance with the Leeton Shire Council Engineering Guidelines and DCP (Part J 2.1), including;

- a) Maximum width of six meters with a cut-out of the kerb and gutter and be constructed in accordance with Council's Engineering Guidelines, DCP and Standard Drawing numbers RS-049 and RS-050 with Council's Notes.
- b) The alignment of the access driveway across the verge shall be at right angles to the road.
- c) The access driveway shall have satisfactory clearance to any power pole or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the Developer's expense.
- d) The access driveway shall be of reinforced concrete with adequate thickness to accommodate light truck loading.
- e) The access driveway shall be provided with a non-slip finish.
- f) The access driveway shall meet Australian Standard 2890.1 for vertical clearance.
- g) The verge adjacent to either side of the access driveway shall be reinstated to surrounding conditions and finished flush with the new vehicle access driveways.
- h) Prior to sealing or concreting the driveways, notice must be made to council for inspection of completed gravel surface and formwork.

Advisory Note:

The installation of the vehicle access driveway is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance and/or repair of the vehicle access driveway is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

{Reason: to provide for a suitable vehicular access to the development in accordance with Council's minimum standards and minimise impact on pedestrian access facilities.}

22. Application under Section 138 of the Roads Act 1993

A separate Council approval under Section 138 of the Roads Act 1993 is required prior to any works commencing within the road reserve, including the upgrading of access driveways for this development. An application must be submitted to Council and approved prior to commencement of works within the road reserve.

The Section 138 application is to include:

- a) Detailed construction plans, including a long section where appropriate.
- b) Details of the contractors engaged to undertake works within the road reserve. The contractor must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- c) A Traffic Control Plan (TCP) that has been prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and the RMS current version of the "Traffic Control at Worksites" manual.

{Reason: Compliance with Roads Act 1993 Section 138 for undertaking work on a public road reserve}

23. Construction vehicles

Vehicles used in the construction of the development are to be managed such that they do not inhibit traffic flow within the road reserve. At no time are construction or delivery vehicles to block the road or private accesses without prior approval of Council through a Section 138 Application under the Roads Act.

{Reason: to ensure traffic effects are minimised.}

24. Damage to public infrastructure

Any damage incurred to the footpath, kerbing and guttering, road or road shoulder, or any other utility services, shall be repaired/restored at full cost to the Developer and in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Construction standards. Should the Developer not complete repairs as necessary, and/or as directed by Council, Council will undertake such repair work(s) and recover the cost(s) from the Developer.

Note: It is recommended that the Applicant record the existing conditions of all footpaths, road and other Council property adjoining the subject site prior to the Contractor taking possession of the site).

{Reason: Implementation of Council policy}

25. Stormwater drainage

The stormwater from the proposed development is to be directed to the Council's existing drainage system along Daalbata Road.

The legal point of stormwater discharge for the development is on the Council's existing drainage system. A method of routing this stormwater must be determined. Additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:

- a) All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage.
- b) All overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented.

- c) Any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted.
- d) All overflow from rainwater tanks shall be collected and piped to the legal point of discharge.
- e) Only a single point of discharge from the development site is permitted to the legal point of stormwater discharge.

{Reason: To ensure stormwater is controlled adequately.}

26. Approved Plans

A copy of the stamped approved plans shall be kept on site for the duration of site works and be made available upon request to either the Principal Certifier or an officer of the Council.

{Reason: To ensure the Principal Contractor has access to the approved plans.}

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

27. Application for any Occupation Certificate

Application for any Occupation Certificate shall be submitted through the NSW Planning Portal and approved by the Principal Certifier prior to occupation of the building.

{Reason: Compliance with Clause 37 of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

28. Occupation

The premises shall not be occupied until the Occupation Certificate has been issued.

{Reason: Compliance with Clause 42 (3) of the Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021.}

29. Developer Contributions

In accordance with Leeton Shire Council Developer Contribution Plan (Fixed Levy – Section 7.12), the applicant shall pay the following levy:

- a) Amount of Levy
\$2,737 (1.0% of the development cost)
- b) Timing and Method of Payment

The levy shall be paid in the form of cash, credit or bank cheque made out to Leeton Shire Council. Evidence of payment to Leeton Shire Council shall be submitted to the Principal Certifier prior to the issue of any occupation certificate.

- c) Indexing

The levy will be adjusted in accordance with the requirements of the Leeton Shire Councils Developer Contribution Plan (Fixed Levy – Section 7.12)

{Reason: To meet the demands for public services and facilities as a result of the development within the Leeton Shire.}

30. Final Fire Safety Certificate

Prior to the issue of any occupation certificate, a Final Fire Safety Certificate issued by an appropriately qualified person shall be obtained for all the Essential Fire Safety Measures installed in the building. A copy of the Fire Safety Certificate shall be submitted to the Commissioner of NSW Fire Brigade and Council and prominently displayed in the building.

{Reason: To ensure compliance with Section 41 & 85 of the Environmental Planning and Assessment Development Certification & Fire Safety Regulation 2021.}

31. Sewer Service & Stormwater drainage diagrams

The contracted plumber as the “responsible person” must submit a Sewer Service Diagram (SSD) and stormwater drainage diagram to Leeton Shire Council as the delegated Water Authority, and the owner of the land or owner’s agent for all plumbing and drainage work on a sanitary drainage system. The SSD is required to be submitted Prior to the issue of any Occupation Certificate. The plans must comply with the following requirements;

- a) A4 and A3 SSD Templates are available via the Fair Trading website
- b) For all drawings larger than A3 only PDF & AutoCAD versions are accepted using the correct Fair Trading SSD legend and sign off template.
- c) All drawn and required text information on the diagram must be complete and legible in a fine point black pen
- d) SSD must be drawn to a scale. Preferred scales are: 1:100; 1:200; 1:250;1:500
- e) North point must be shown on the diagram
- f) Include only symbols and abbreviations as shown on the template legend
- g) All lettering and figures are to be drawn clear and legible
- h) Diagrams are only to show sanitary drainage up to the point of connection within the property boundary, property boundaries and building outlines
- i) Clearly show the sanitary drainage layout up to the point of connection within the property boundary indicating all internal points, external drainage, trade waste and any greywater treatment / diversion system up to the point of connection with the Network Utility Operator's sewer including any existing sanitary drainage remaining in use on the property
- j) Street name and number (for street frontage) and/or Lot number and DP (deposited plan) number.
- k) Suburb and municipality
- l) if there is no connection to a Network Utility Operator's sewer please label as private sewer, community title, onsite septic tank or AWTS etc.

{Reason: To comply with the requirement of NSW Fair Trading and Leeton Shire Council as the delegated Water Authority.}

32. Rectification of damage to public infrastructure

Prior to the issue of any occupation certificate, any damage to Council infrastructure in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of public infrastructure. Any damage to Council's infrastructure which is obvious before construction is to be immediately notified to Council to avoid later conflict.

{Reason: To ensure that any damage to Council's property is at the full cost to the developer. Environmental Planning & Assessment Act 1979 Section 4.15 (6) (a)}

33. Sealing of vehicle manoeuvring areas

Prior to the issue of any Occupation Certificate, the sealing of all internal driveways, parking areas and vehicular turning areas required under condition 8 shall be completed.

{Reason: to provide a surface that will withstand the proposed traffic movements and to suppress dust levels so as not to cause a nuisance to adjoining properties.}

34. Parking spaces

Prior to the issue of any Occupation Certificate, delineation and signage shall be provided to distinguish designated parking spaces.

{Reason: to provide car parking spaces commensurate with the level of development.}

35. Landscaping

Prior to the issue of an occupation certificate the proposed landscaping required under condition 9 shall be completed.

{Reason: To maintain and improve the aesthetic quality of the development}

ONGOING USE

36. Maintenance

The sealing of the vehicle access driveway is to be always maintained.

{Reason: to ensure the access remains suitable and the road reserve is maintained safe with no obstructions.}

37. Annual Fire Safety Statement

The owner of the building shall ensure the Essential Fire Safety Measures are inspected and an Annual Fire Safety Statement issued. A copy of the Annual Fire Safety Statement shall be submitted to the Commissioner of NSW Fire Brigade and Council and prominently displayed in the building.

{Reason: To ensure compliance with Part 12 of the Environmental Planning and Assessment Development Certification & Fire Safety Regulation 2021.}

Michael Peisley

From: [REDACTED]
Sent: Tuesday, 3 September 2024 8:09 PM
To: Leeton Shire Council
Subject: CM: Response to Development Application D93-2024

Attn Jackie Kruger,

I am writing in response to the Development Application D93-2024 for 33 Daalbata Road Leeton. [REDACTED]
[REDACTED]

I have 4 young children and the purpose of buying a house in Daalbata Road was for the semi rural lifestyle in a quiet residential area. I strongly oppose the development of a place of worship as I believe it will only have a negative impact on the established residents. These reasons I oppose are:

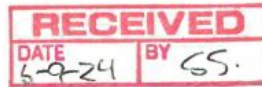
- The traffic flow will increase, therefore putting our children and animals at a greater risk.
- The proposed 'service' times will create added noise and there is no restriction of these times increasing in future if they so please.
- There is only a very small amount of parking which will cause the overflow of vehicles to park on the street, directly out the front of our properties, also causing traffic congestion on our already narrow street.
- The value of my house may decrease and when selling will deter buyers.

I would like to make it very clear that I am not against the church or religion in general but just feel that it would be better suited to a commercial or industrial area. I have spoken to many residents in the street, who have not been notified, and they also oppose it. The road is not a thoroughfare and it will impact all residents on the street, not only the ones in the direct vicinity.

[REDACTED]

6th September 2024

General Manager
Leeton Shire Council



Attention: Jackie Kruger

Reference: Development Application D93-2024.

I am writing in response to the above development at 33 Daalbata Road Leeton.

[REDACTED]

I do not agree with this development and offer the following points for your serious consideration.

I feel that in the next couple of years I may decide to downsize my property, with a place of public worship [REDACTED] it will be extremely hard for me to sell. This will force me to sell for considerably less than my properties true value. Can Leeton Shire or the Leeton Gospel Trust guarantee that I will not be financially impaired by this development?

Daalbata Road is little more than one car width, with no kerb and guttering or footpaths. With residential developments of late in the area, traffic flow has increased dramatically. With this development it will, at a minimum, increase traffic flow by possibly twenty plus vehicles at least twice a week, provided that the dwelling is used only twice a week.

There are a number of small children living in Daalbata Road and others that visit regularly, given the state of the road without footpaths this extra traffic will create extra danger for these young people.

[REDACTED]

With the refurbishment of the Henry Lawson Cottage some years ago, [REDACTED] [REDACTED], there has been increased traffic from tourists, including bus tours, and special events such as Art Deco weekends, Easter etc.

The proposed site allows for fourteen car spaces. What if there are more than fourteen vehicles? Are the excess vehicles going to park on the side of the road, creating a hazard to other vehicles and pedestrians?

With approximately forty people attending each service, if there are only forty, there could be up to twenty plus vehicles at any one time.

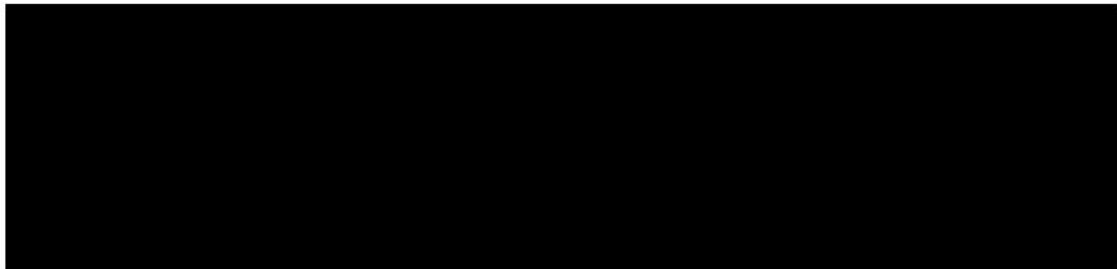
The proposed building will consist of toilets, hall, meeting room and a drive through garage. The proposal has stated the services will be twice a week for approximately one hour each. How often will the meeting room be used? How do I know that the two times per week will not increase in the future?

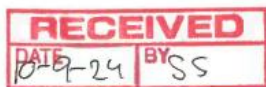
The Leeton Gospel Trust own four sites in Leeton, all have high security lock up fences around the entire circumference, one has a shorter security fence at the front. Having this in Daalbata road will not blend in with the surrounding environment.

Services will be held twice a week, Monday 7pm–8pm is ok, Sunday morning 6am-7am is not acceptable, any amount of cars and people will make noise, does the law say not to create noise before 9am on a Sunday.

The Leeton Gospel Trust has quoted numbers of services, people attending, motor vehicles etc, what guarantee do I have that this will not increase after completion of this building?

I therefore do not agree with this development and kindly request that the Leeton Shire does not give approval to the application.



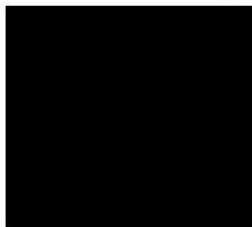


To the General Manager,

I am writing in relation to Development Application DA-932024.

[REDACTED]

I wish to say I disapprove of the application going ahead as looking at the attached plan and knowing the size of the proposed block, I feel parking will be a major issue with vehicles parking on others median strips, channel banks etc. It will also increase the traffic flow in the area which at this time is mostly quiet residential traffic only.





**ANTHONY
DAINTITH**
TOWN PLANNING

PO Box 1975
Orange NSW 2800
ABN: 46 121 454 153
Phone: 0408249700
Email: anthony@adtp.com.au

Our Ref: 2024-083

30 September 2025

Leeton Shire Council
23-25 Chelmsford Place
Leeton NSW 2705

Attention: Michael Peisley

Dear Michael

**RE: DA 93/2024 PROPOSED PLACE OF PUBLIC WORSHIP
33 DAALBATA ROAD, LEETON
RESPONSE TO SUBMISSIONS**

Reference is made to Council's letter of the 20 September 2024 with respect to the 3 submissions made in relation to the proposed place of public worship. The applicant has taken into account the concerns raised by the objectors and intends to ensure that they are appropriately addressed and resolved where possible. It is noted that there are a few non planning related matters raised in the submissions that has not been considered in this response to submissions. The applicant would like to make the following comments to assist Council with the assessment of the DA:

Overview

1. The proposal submitted is for a "subdivisional" meeting room. For the last 50 years + these meeting rooms are only ever used for two occasions during the week – Sunday morning 6am Communion Meeting and Monday night 7pm Prayer Meeting. Both meetings would last approximately 30-40 minutes and are attended by approximately 30 – 40 parishioners or approximately 9-11 family units. The service at 6am Sunday isn't flexible, is very important to us and has been held at this time by all parishioners for the last 50 years globally (apart from during COVID lockdowns etc.)
 - a. Melaleuca Ave room, built by community members in 1958, subdivisional usage for last 20 years

- b. Wattle Street room, built by community members in 1975, subdivisational usage for last 49 years.
- c. Tecoma Street room, built by community members in 1987 and used for larger gatherings as well.
- d. Brobenah Street room, built by community members in 2017 and used for larger gatherings as well.

Impact on traffic flow is negligible

2. Due to where they live, 5 out of the 10 families that would attend the meeting room on the application, already use Daalbata Road to attend their current meeting room at the times mentioned in this application. This puts into perspective the negligible impact of an additional 5 car trips along Daalbata road per meeting (10 car trips per week) with this hall in operation.

Capacity of carpark is more than adequate – risk of cars parking up the street is unsubstantiated

3. 10 families will be attending the proposed meeting room.
4. 3 of the above-mentioned families live on Daalbata road within walking distance of the room, hence why we feel the 14 carparking spaces on the application is more than enough for any foreseeable circumstances.
5. The room will not be used for any other purpose that previous indicated in this correspondence. We have larger rooms within the town for our other consolidated gatherings.
6. The proposed number of car parking spaces meets the Leeton DCP.

No unacceptable noise will occur during the use of the meeting room.

1. The design of the building is such that there will not be a transfer of noise outside the building during the service. Insulation is used in external walls to prevent the egress of sound. We do not have any component of our service that requires a high output of amplified music or sound.
2. We commit to mitigating the risk of any noises made by vehicles on arrival by including advanced plants around the perimeter of the carpark to absorb vehicular noise.
3. No complaints have ever been notified by Council of obtrusive noise during the 100+ years that our congregation has been in Leeton.

Appearance of the building improving street appeal

1. The building is designed to have a home type appearance blending in with the surrounding buildings.
2. Included in the general appearance is standard fencing around the perimeter of the site and a highly aesthetic security fence either side of the building separating the front yard from the rear as per a normal home.

A detailed landscaping plan has been developed that identifies the proposed landscaping on the site and demonstrate the high aesthetic appeal that the applicant is trying to achieve as part of the development of the site.

Should you have any questions with respect to this matter, please contact the office on 0408249700.

Yours faithfully

Anthony Daintith Town Planning Pty Ltd



Anthony Daintith
Principal

8.1.4. DELEGATIONS OF THE AUTHORITY OF THE MAYOR

AUTHOR/S: Manager Governance, Corporate & Customer Service

APPROVER/S: Director of Corporate/CFO

SUMMARY/PURPOSE

In accordance with Section 380 of the *Local Government Act 1993* (the Act), Council is required to review its delegations during the first 12 months of each term of office.

Under Section 377 of the Act Council may, by resolution, delegate authority to the Mayor and, in the absence of the Mayor, the Deputy Mayor, to exercise and/or perform functions on behalf of the Council.

RECOMMENDATION

THAT Council delegates authority under Section 377 of the *Local Government Act 1993* to the Mayor – and, in the absence of the Mayor, the Deputy Mayor for the period of the Mayor's absence – to exercise and/or perform on behalf of the Council the following powers, authorities, duties and functions:

Conferring Powers or Duties under the *Local Government Act 1993*

To give effect to the law, Council's adopted policies, resolutions and directions, provided that such delegation is not sub-delegated without specific approval of Council or as prescribed under the *Local Government Act 1993*.

Powers or Duties Under Other Legislation

If, under an Act other than the *Local Government Act 1993*, a function is conferred or imposed on the Mayor, the function is taken to be conferred or imposed on the Council and the Mayor has delegated authority to exercise and/or perform on behalf of the Council the powers, authorities, duties and functions as prescribed under that other Act.

Preside at Meetings and Functions of Council

Preside at all meetings of Council, Committees and public meetings convened by Council at which the Mayor is present, unless Council otherwise appoints another Councillor or person to perform this function.

Negotiations on Behalf of Council

In conjunction with the General Manager, to participate in negotiations on behalf of the Council with third parties and in connection with the sale, purchase and lease of land and buildings. This function is subject to the limitation that no contractual agreement is to be entered into without a resolution of Council.

Represent Council – Government and Other Forums

To represent Council in conjunction with the General Manager in deputations to government, inquiries and other forums where it is appropriate that the Mayor should present the Council position. To represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth levels.

Sign and Execute Documents

To sign correspondence and other documents, subject to the limitation that execution of any documents under Council Seal must be carried out in compliance with Regulation 400 of the *Local Government (General) Regulation 2021*.

Issue Media Releases

To make media statements and issue media releases in respect of Council subject to prior consultation with the General Manager.

Manage the General Manager's Contract

To act as Council's delegate for the purpose of the day-to day management of the General Manager's contract.

To manage complaints against the General Manager.

Approval of Leave – General Manager

Approve of Leave for the General Manager in terms of the provisions of the General Manager's Contract of Employment with the Council.

Conferences, Seminars, Meetings and Courses

To approve, jointly with the General Manager, the attendance of Councillors, both within and outside the Shire boundaries:

- i. At any seminar, conference, meeting or course, in excess of one day duration or where an overnight stay is involved, or
- ii. To attend to Council business, as considered necessary by the Mayor and the General Manager provided that:
 - Such delegation shall not be exercised if there is a prior Council meeting at which the attendance might be considered allowing sufficient time for registration, arrangements etc.
 - Provision has been made for such expenditure in Council's budget.
 - With reasonable expenses to be reimbursed by the Council in accordance with Councillor's Payment of Expenses and Provision of Facilities policy.

Legal

When considered necessary by the Mayor, to request the General Manager to obtain legal advice or legal representation, regarding any matter in which Council is or may become involved.

Urgent Works

To authorise work, not approved in the Operational Plan, which in the Mayor's opinion is urgent, at a cost not exceeding \$100K.

Civic and Ceremonial Functions

Approve Civic Receptions, in conjunction with General Manager, and carry out the Civic and Ceremonial functions of the Mayoral Office.

Policy Making

To exercise, in cases of necessity, the policy making functions of the governing body of the Council between meetings of the Council.

Citizenship Ceremonies

To perform Citizenship Ceremonies and Receive a Pledge of Commitment.

REPORT

(a) Background

Council has now appointed its Mayor for the coming two (2) years to October 2026. It is appropriate that the Council provide direction for the Mayor through delegations for that period.

(b) Discussion

Section 226 of the *Local Government Act 1993* specifies the role of the Mayor, as:

- (a) to be the leader of the Council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,
- (e) to preside at meetings of the Council,
- (f) to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of Council,
- (h) to promote the effective and consistent implementation of strategic plans, programs and policies of the Council,
- (i) to promote partnerships between the Council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,
- (k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,
- (l) to carry out the civic and ceremonial functions of the Mayoral office,
- (m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the Councillors, to lead performance appraisals of the General Manager,
- (o) to exercise any other functions of the Council that the Council determines.

Through delegations the Council more clearly details the powers of its Mayor and also makes for a more efficient organisation.

These Mayoral delegations are mostly unchanged except for the cost for urgent works which has increased from \$50K to \$100K.

(c) Options

THAT Council:

1. Adopts the recommendation in full for the delegations of the Mayor and, in the absence of the Mayor, the Deputy Mayor. ***This is the recommended option.***
2. Council adopts the recommendation with amendments.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil

(b) Policy

This delegation becomes the Policy.

(c) Legislative/Statutory

Local Government (General) Regulation 2021
Local Government Act 1993 - Section 226, Section 377 and Section 380

(d) Risk

Without clear delegations there may be a lack of clarity for the Mayor.

Without clear delegations there may be inefficiencies in making decisions or dealing with emergencies.

CONSULTATION

(a) External

Nil

(b) Internal

General Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration
9.3 Provide respected and effective representation, leadership and advocacy
This is in accordance with the Councilor Induction and Professional Development Guidelines and Committee Terms of Reference

ATTACHMENTS

There are no attachments for this report.

8.1.5. DELEGATIONS OF AUTHORITY TO THE GENERAL MANAGER

AUTHOR/S: Manager Governance, Corporate & Customer Service

APPROVER/S: Director Corporate/CFO

SUMMARY/PURPOSE

In accordance with Section 380 of the *Local Government Act 1993* (the Act), Council is required to review its delegations during the first twelve (12) months of each term of office.

The purpose of this report is to ensure that appropriate delegations are in place for Council's General Manager to enable her to exercise the functions of the Council.

RECOMMENDATION

THAT Council delegates to the General Manager the authority to exercise all functions that Council is capable of delegating and is not prohibited from doing so under section 377 of the *Local Government Act 1993*.

REPORT

(a) Background

The Act articulates the role and function of a Council as the governing body, and the General manager as the head of the administrative body. The General Manager as head of Council's administrative body, implements Council's strategy and policy, ensures delivery and advises the Council on strategies.

Under subsection 1, section 377 of the *Local Government Act 1993* a Council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the Council) any of the functions of the Council under this or any other Act, other than the following:

- a. the appointment of a General Manager,
- b. the making of a rate,
- c. a determination under section 549 as to the levying of a rate,
- d. the making of a charge,
- e. the fixing of a fee,
- f. the borrowing of money,
- g. the voting of money for expenditure on its works, services or operations,
- h. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- i. the acceptance of tenders to provide services currently provided by members of staff of the Council,
- j. the adoption of an operational plan under section 405,
- k. the adoption of a financial statement included in an annual financial report,
- l. a decision to classify or reclassify public plans under Division 1 or Part 2 of Chapter 6,
- m. the fixing of an amount or rate for the carrying out by the Council of work on private land,

- n. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work,
- o. the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
- p. the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to a premises under section 194,
- q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- r. a decision under section 234 to grant leave of absence to persons,
- s. the making of an application, or the giving of a notice to the governor or Minister,
- t. this power of delegation,
- u. any function under this or any other act that is expressly required to be exercised by resolution of the Council.

Despite subsection 1, a Council may delegate its functions relating to the granting of financial assistance if:

- a. the financial assistance is part of a specified program,
- b. the program is included in the Council's draft operational plan for the year in which the financial assistance is proposed to be given,
- c. the program's proposed budget for that year does not exceed 5 per cent of the Council's proposed income from the ordinary rates levied for that year,
- d. the program applies uniformly to all persons within the Council's area.

(b) Discussion

Council has previously delegated all delegable functions to the General Manager, since her initial employment as General Manager (Resolution 15/149) in 2015:

THAT Council delegates to the General Manager, Ms Jackie Kruger, the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under section 377 of the Local Government Act 1993, and also excluding any specific functions which Council has, by resolution, reserved to Council.

This was reaffirmed in 2019 (Resolution 19/179) and again after the 2021 Council election (Resolution 22/004).

The delegation to the General Manager helps run Council as efficiently as possible.

(c) Options

THAT Council:

1. Delegates all delegable functions to the General Manager. **This is the recommended option.**
2. Does not delegate any delegable functions to the General Manager.
3. Delegates specific delegable functions to the General Manager.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil

(b) Policy

Nil

(c) Legislative/Statutory

Local Government (General) Regulation 2021
Local Government Act 1993

(d) Risk

Failure to delegate all delegable functions to the General Manager may:

1. Leave the General Manager without capacity to exercise the functions of the Council.
2. Cause insufficiencies in Council operations/delay decision that can efficiently be made with the guidance of adopted policies.

CONSULTATION

(a) External

Office of Local Government

(b) Internal

General Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.6 Deploy reliable and efficient corporate and project governance including audit, risk and improvement and new legislative and governance requirements.

9.6.6 Maintain current delegations and authorisations register

ATTACHMENTS

Nil

ITEM 8.1.6. COUNCIL REPRESENTATION ON COMMITTEES (INTERNAL AND EXTERNAL)

AUTHOR/S: Manager Governance, Corporate & Customer Service

APPROVER/S: Director of Corporate/CFO

SUMMARY/PURPOSE

The purpose of this report is to seek Council's approval for the appointment of members from the newly elected Council as representatives to various internal and external committees. These proposed appointments have been made in consultation with the Mayor and Councillors.

RECOMMENDATION

THAT Council appoints the Councillors noted in the following table as representatives, for the length of the current Council term (October 2024 to September 2028), to the Committees and organisations listed in the following table, noting that the Mayor may attend the meetings of any of the Council Committees as a voting member:

Committee	Councillor Representation 2024-2028	Responsible Staff Officer	Meeting Schedule
Section 355 Committees			
Light Up Leeton Committee	Cr. Edwards Cr. Wright	Events Officer	Meetings are held Thursday evenings at 6pm at Soldiers Club. Assistance is appreciated at event. Note: Light Up Leeton still doesn't have a President or Secretary. Events Officer is currently filling in the role as Secretary.
SunRice Festival Committee	Cr. Tiffen Cr. Tynan	Events Officer	Meetings are held Thursday evenings at 7pm. Monthly meetings starting in May of the year prior to the festival, increasing to fortnightly in Feb the year of, to weekly in the month prior. Assistance is appreciated over SunRice Festival Easter weekend in 2026, held bi-annually.
Whitton Court House & Historical Museum Committee	Cr. Kidd Cr. Wright	Museum, Gallery & Heritage Coordinator	Meetings are held on the third Monday of the month at 6pm. This committee needs reinvigoration at the local level.

Whitton Town Hall Committee	Cr. Edwards Alt: Cr. Wright	Manager Business Services	Meetings are held quarterly, generally on the third Monday of the month at 6pm.
Yanco Hall & Market Committee	Cr. Maytom Alt: Cr. Wright	Manager Business Services	Meetings are held on the second Monday of the month at 1:00pm.

Committee	Councillor Representation 2024-2028	Responsible Staff Officer	Meeting Schedule
Advisory Committees / Working Groups			
Audit, Risk & Improvement Committee (ARIC) <i>(no community reps but 3 independent members)</i>	Cr. Tynan Alt: Cr. Morris	Manager Governance, Corporate & Customer Service	Meetings are held quarterly on the second Thursday at 3:30pm.
Community Grant Funding Working Group	Cr. Nardi Cr. Maytom Cr. Tiffen	Director Community & Economic Development	Meetings are held bi-annually in May and November at 8am.
General Manager's Review Committee <i>(no community reps)</i>	Cr. Weston Cr. Kidd Cr. Morris	Local Government NSW	Meetings are held annually, during business hours.
Gogeldrie Riverside Park & Facilities	Cr. Kidd Cr. Maytom	Manager Business Services	Meetings are held twice a year, after business hours, or as required.
Infrastructure Working Group	Cr. Wright Cr. Edwards Cr. Kidd	Director Operations	Meetings are held quarterly during business hours.
Leeton Flood Plan Management Committee	Cr. Wright Cr. Tynan	Manager Roads & Drainage	TBA
Leeton Local Traffic Committee	Cr. Tynan Cr. Wright	Roads Safety Officer	Meetings are held quarterly during business hours. Note: Due to the requirements of NSW Police and Transport for NSW these meetings dates can change. Electronic Meetings may also be held for any urgent matters that arise between meetings.
Leeton Shire Heritage Committee	Cr. Kidd Cr. Wright	Manager Building, Planning & Health	Quarterly on the third Thursday in the month during business hours.
Leeton Tree Advisory Committee	Cr. Kidd Cr. Tiffen Cr. Edwards	Manager Open Spaces & Recreation	Meetings are held bi-annually (or as required) on a Wednesday at 9:00am.

Leeton Weeds Committee	Cr. Tynan Cr. Edwards	Regulatory Services Coordinator	Meetings are held bi-annually (or as required), during business hours.
Oval User Committee	Cr. Kidd Cr. Nardi	Manager Open Spaces & Recreation	This is a new committee as requested by Councillors, meeting dates to be confirmed Will be a minimum once per year.
Roxy Redevelopment Committee (RCC)	Cr. Kidd Cr. Nardi Cr. Tynan Cr. Tiffen Cr. Morris	Manager Community Development & Cultural Services	Meetings are held bi-monthly in the evening or more frequently if required.
Youth Council	Cr. Nardi Cr. Maytom Cr. Tiffen	Director Community & Economic Development	Meets every second month on a Monday at noon for an hour.

Committee	Councillor Representation 2024-2028	Responsible Staff Officer	Meeting Schedule
Action Committees			
Henry Lawson Cottage Committee	Cr. Weston Cr. Tiffen	Building Services Coordinator	Meetings are held twice a year, during business hours.
Leeton Australia Day Committee <i>(no community reps)</i>	Cr. Weston Cr. Kidd Cr. Nardi	Events Officer	Meetings are held in September to February (as required). Expected to attend / help run Australia Day.
Sporting Walk of Fame	Nil – in recess	Manager Open Spaces & Recreation	Currently in recess
Whitton Town Improvement Committee	Cr. Kidd Cr. Wright	Manager Business Services	Meetings are held quarterly on the third Monday at 6:00pm, held at the Whitton Town Hall.
Yanco Town Improvement Committee	Cr. Edwards Cr. Maytom	Manager Business Services	Meetings are held monthly on the first Monday at 6:00pm, held at the Yanco All Servicemen's Club.

Committee	Councillor Representation 2024-2028	Responsible Staff Officer	Meeting Schedule
External Committees / Organisations			
Fivebough & Tuckerbill Wetlands Advisory Committee	Cr. Edwards Alt: Cr. Tiffen	General Manager / Manager Governance,	Meetings are held quarterly at 10:00am, in Council Chambers.

		Corporate & Customer Service	
Sturt Highway Taskforce <i>(no community reps)</i>	Cr. Kidd Alt: Cr. Maytom	Director Operations	Next meeting will be held on Tuesday 29 October 2024 at 9:30am at Narrandera's Ex-Servicemen's Club.
Collaborative Care Health	Cr. Kidd Cr. Wright	General Manager / Shire Health Project Coordinator	Meetings will be held monthly for the period of the project (estimated 2 years).
Leeton Business Chamber	Cr. Maytom Alt: Cr. Edwards	Director Community & Economic Development	Meetings are held monthly; times and days vary – although are generally held before or after business hours.
Murray Darling Association (MDA)	Cr. Morris Alt: Cr. Kidd	General Manager	Meetings are held quarterly, during business hours.
Country Mayor's Association (CMA) <i>(no community reps)</i>	Cr. Weston Alt: Cr. Kidd	General Manager	Meetings are held quarterly, during business hours.
Bushfire Management Committee	Cr. Wright Alt: Cr. Tiffen	Manager Environmental Sustainability / Director Operations	Meetings are held quarterly, during business hours.

Committee	Councillor Representation 2024-2028	Responsible Staff Officer	Meeting Schedule
Shared Services Committees / Organisations			
Narrandera-Leeton Airport Management Committee <i>(no community reps)</i>	Cr. Kidd Cr. Edwards	Director Community & Economic Development	Meetings are held bi-annually during business hours.
Riverina Regional Library (RRL) Advisory Committee <i>(no community reps)</i>	Cr. Kidd Alt: Cr. Tiffen	Director Community & Economic Development	Next meeting will be held on Wednesday 6 November 2024 at 9:30am via Zoom or at RRL Admin Centre, Wagga. Note: The Councillor may also attend SW Zone meetings and NSW Library Assoc meetings
Riverina and Murray Joint Organisation (RAMJO) <i>(no community reps)</i>	Cr. Weston Alt: Cr. Kidd	General Manager	Meetings are held quarterly, during business hours. Meetings are generally held bi-annually in March and October
Joint Western Regional Planning Panel	Cr. Weston Cr. Morris	Manager Building, Planning & Health	As required.

Committee	Councillor Representation 2024-2028	Responsible Staff Officer	Meeting Schedule
Liaison Committees			
Leeton & Districts Local Lands Council Liaison	Cr. Weston Alt: Cr. Kidd	General Manager	Meetings are held quarterly (or as required), during business hours.
Murrumbidgee Irrigation Liaison	Cr. Morris Alt: Cr. Weston	General Manager	Meetings are held bi-annually, during business hours.
Police Liaison	Cr. Kidd Alt: Cr. Weston	General Manager	Meetings are held quarterly (or as required), during business hours.
Yanco Agricultural Institute	Cr. Morris Alt: Cr. Weston	General Manager	3 x per year
PALM Scheme Alliance	Cr. Weston Alt: Cr. Kidd	General Manager	As required

REPORT

(a) Background

Leeton Shire Council works with several types of committees and groups including:

- Section 355 Committees,
- Advisory Committees / Working Groups,
- Action Committees
- External Committees / Organisations,
- Shared Services Committees,
- Liaison Committees.

Section 355 Committees are committees constituted under the powers granted by the *Local Government Act 1993*. Sections 355 and 377 of the Act give Council the authority to delegate some of its functions to a committee. Section 355 Committees act on behalf of the Council for the benefit of the community by carrying out the role specified in each Committee's Terms of Reference (TOR).

Advisory Committees / Working Groups: provide advice and recommendations to inform decisions made by Council. They are generally made up of community representatives, experts, professionals, representatives from other levels of government, and Council staff as well as Councillors. Unless specifically delegated to make certain decisions, Advisory Committees have the power to make recommendations but not decisions and these committees generally have TOR or a Charter.

Action Committees: are committees with a TOR who perform specific actions / events. They may make recommendations to Council. They are not formally delegated any functions by Council.

External Committees / Organisations: representation on these committees provides an important opportunity to present community and/or local government views and input, as well as advocate and influence policy outcomes. Council is invited to have a representative on these external committees / organisations.

Shared Services Committees are formed to enable representatives of various Councils to discuss and make decisions about opportunities and efficiencies that can be realized through working together.

Note: Online attendance at Committee meetings generally cannot be accommodated.

(b) Discussion

Councillors were all given the opportunity to submit their interest in the various committees and organisations. The recommended table of committees and Councillor representatives was developed based on those preferences and the need to ensure representation on each of the committees. The table also includes details of the staff responsible for liaising with the committees, as well as meeting schedules and times.

(c) Options

THAT Council:

1. Adopts the recommended representations as written. ***This is the recommended option.***
2. Adopts the recommendation with amendments.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil – all costs associated with Committees are covered in the voted budget on an annual basis.

(b) Policy

Child Safe Policy
Code of Conduct
Code of Conduct - Procedures for the Administration of Code of Conduct
Code of Meeting Practice
Public Interest Disclosure Policy
Volunteer Handbook
Volunteer Policy

(c) Legislative/Statutory

Child Protection (Working with Children) Act 2012
Children Protection (Working with Children) Regulation 2013
Government Information (Public Access) Act 2019
Local Government (General) Regulation 2021
Local Government Act 1993
Public Interest Disclosures Act 2022
Public Interest Regulation 2022
State Records Act 1998

State Records Regulation 2015
Work Health and Safety Act 2011
Work Health Safety Regulation 2017

(d) Risk

Failing to appoint representatives to these committees and organisations would lead to not taking advantage of opportunities including shared leadership and working in partnership for the good of the community.

CONSULTATION

(a) External

Nil

(b) Internal

Councillors
Mayor and General Manager met to discuss Councillor feedback
Staff representatives to Committees

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

1. Community Services and Community Development

1.9 Provide halls for communities to meet, with the support of the local hall committees in Whitton, Murrarni and Yanco.

1. Community Development and Community Services

1.9 Provide halls for communities to meet

1.9.2 Provide access to Yanco, Murrarni and Whitton Community Halls through Section 355 Committees

9. Governance and Corporate Services

9.3 Provide respected and effective representation, leadership and advocacy

9.3.4 Support and report on Council's Section 355, Advisory and Action Committees ensuring they are operating in accordance with Committee Terms of Reference

9. Governance and Corporate Services

9.6 Deploy reliable and efficient governance, audit, risk and improvement services

9.6.1 Prepare and issue Council business papers and meeting minutes, and coordinate Council Committee reports back to Council

ATTACHMENTS

Nil

ITEM 8.1.7. COUNCILLOR PORTFOLIOS

AUTHOR/S: Manager Governance, Corporate & Customer Service

APPROVER/S: Director of Corporate/CFO

SUMMARY/PURPOSE

The purpose of this report is to seek Council's approval for the appointment of members from the newly elected Council as the in-house 'expert' on these matters, and potential spokesperson when so delegated by the Mayor. These proposed appointments have been made in consultation with the Mayor and Councillors.

RECOMMENDATION

THAT Council appoints the Councillors as listed in the table below the portfolio leads for the length of the current Council term (October 2024 to September 2028):

Portfolio Leads	Councillor Representation
Agriculture (including R&D)	Cr. Morris
Arts & Culture	Cr. Kidd
CBD Enhancement & Local Economy (including nighttime economy)	Cr. Edwards
Digital Capability & Connectivity	Cr. Edwards
Diversity & Inclusion	Cr. Wright
Education	Cr. Tiffen
Environmental Sustainability (including climate change)	Cr. Tiffen
Health Services (including mental health)	Cr. Kidd
Heritage & Art Deco	Cr. Wright
Housing	Cr. Tynan
Sports & Recreation	Cr. Nardi
Tourism & Events	Cr. Maytom
Water Security	Cr. Morris
Welcoming Leeton	Cr. Weston
WR Connect	Cr. Weston
Youth & Children	Cr. Nardi

REPORT

(a) Background

Portfolios were introduced in the last term of Council. There is support to continue the idea of portfolio leads for key community priorities. As portfolio leads, Councillors will act as champions and relationship managers for these important issues, driving initiatives and enhancing engagement with the community and stakeholders. This role will help ensure that the Council effectively addresses the needs of the Leeton community.

(b) Discussion

Councillors were given the opportunity to express their interest in various portfolios. The proposed appointments have been made in consultation with the Mayor and Councillors.

(c) Options

THAT Council:

1. Adopts the recommendation as written. ***This is the recommended option.***
2. Adopts the recommendation with amendments.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil

(b) Policy

Community Strategic Plan (CSP)

(c) Legislative/Statutory

Child Protection (Working with Children) Act 2012
Children Protection (Working with Children) Regulation 2013
Government Information (Public Access) Act 2019
Government Information (Public Access) Regulation 2018
Local Government (General) Regulation 2021
Local Government Act 1993
Public Interest Disclosures Act 2022
Public Interest Regulation 2022

(d) Risk

Not having Councillor portfolios could lead to ineffective decision-making, as Councillors may lack clear focus areas. This can result in diluted expertise, making it harder for them to develop in-depth knowledge of critical issues. The absence of portfolios can significantly undermine the Council's effectiveness and responsiveness to community needs.

CONSULTATION

(a) External

Nil

(b) Internal

Councillors

Mayor and General Manager met to discuss Councillor feedback

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.2 Undertake authentic and timely community engagement where community input genuinely shapes Council decisions

1. Community Development and Community Services

1.7 Promote community inclusion and wellbeing

1.7.5 Remain across local community needs and community services by attending meetings and supporting events and initiatives.

9. Governance and Corporate Services

9.3 Provide respected and effective representation, leadership and advocacy

9.3.1 Continue advocacy with Federal and Local MPs and government agencies on key issues for the region, including but not limited to water security, health services, housing, migration, job creation and policing

ATTACHMENTS

Nil

ITEM 8.1.8. COUNTBACK TO FILL CASUAL VACANCIES IN THE OFFICE OF A COUNCILLOR

AUTHOR/S: General Manager

APPROVER/S: General Manager

SUMMARY/PURPOSE

The purpose of this report is to propose that Council exercise the option of using a Countback of votes cast at the last ordinary election held on the 14 September 2024 to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election.

RECOMMENDATION

THAT Council:

1. Pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024, are to be filled by a Countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.
 2. Notes the confusion with the interpretation of 'first meeting' and requests the General Manager to ask the Office of Local Government and Electoral Commission, and/or Minister of Local Government, to accept the first Ordinary Meeting of Leeton Shire Council to be the first meeting.
-

REPORT

(a) Background

Section 291A(1)(b) of the Local Government Act 1993 (the Act) (**Attachment 1**) sets out how casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024.

To exercise the option of using a Countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve at its first meeting* after the election to use a Countback to fill casual vacancies.

If Council, does not resolve this at the first meeting* after the election, it will be required to fill casual vacancies through a by-election.

**Management interpreted 'first meeting' to be the first Ordinary Meeting of the new Council. There is no definition of 'first meeting' in the Local Government Act.*

As per the NSW Electoral Commission (NEC), a Countback Election (**Attachment 2**) can be used to elect a Councillor to fill a single (1) vacancy, where the vacating Councillor was elected under the proportional representation method (i.e. where two (2) or more candidates were elected at a Local Government ordinary election). If there are multiple vacancies, a separate Countback Election is held for each vacancy.

In this case, the Returning Officer will contact all unelected candidates from the Local Government ordinary election who may still qualify to be elected to the office of Councillor. Where the candidate is interested, the candidate must submit a formal application to the Returning Officer. All candidates who submit and do not withdraw their application become eligible candidates.

If there are no eligible candidates, an attendance by-election must be held. If there is only one (1) eligible candidate, that candidate is elected. If there are multiple eligible candidates, a Countback Election is conducted.

In a Countback Election, the Returning Officer:

- uses preference data from ballot papers from the previous Local Government ordinary election,
- uses the same proportional representation method used in the original election.

(b) Discussion

Management has sought advice since the election was declared from the NEC and Office of Local Government (OLG) on the wording of the countback resolution when there is only one candidate remaining (as the cost of a countback seemed unnecessary). On 23 October, we were advised that as Council had already held a Special Meeting in early October, the opportunity for a countback no longer exists for Leeton Shire. The OLG is adamant that 'first meeting' is not the first Ordinary meeting and includes any Ordinary or Special Meeting that was called. Apparently, the intent of 'first meeting' in the Act is to ensure that countbacks "don't get politicised".

There being only one candidate remaining in Leeton, it is the view of staff that there is no risk of the countback being "politicised" which is why it is being recommended that Council continue with the proposed resolution regardless and, through the General Manager, seeks 'dispensation' from the relevant authorities to have the first Ordinary Meeting of Council accepted as first meeting for the purpose of this countback resolution. The Electoral Commission has an email trail of our correspondence on the matter and is very aware of the long-held intent of this report being prepared for Council's consideration.

(c) Options

THAT Council:

1. Declares that any casual vacancies occurring in the office of a Councillor within 18 months of a 14 September 2024 election are to be filled by a Countback of votes cast. ***This is the recommended option.***
2. Declares that any casual vacancies occurring in the office of a Councillor within 18 months of the 14 September 2024 election are to be filled by a by-election.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Estimated cost of a Countback by the NSW Electoral Commission is approximately \$6K to \$10K.

Estimated cost to conduct a by-election would be significantly higher (the full election in September 2024 cost \$130K, excluding GST).

(b) Policy

Office of Local Government

(c) Legislative/Statutory

Local Government (General) Regulation 2021
Local Government Act 1993

(d) Risk

Even if Council resolves to fill casual vacancies by Countback, there is a chance that the OLG and Electoral Commission will reject the resolution on the basis that it was not passed at the first Special Council held in October 2024. If a sitting Councillor did vacate their position, this would result in a by-election that is a cost to Council.

CONSULTATION

(a) External

Office of Local Government (OLG)
NSW Electoral Commission (NEC)

(b) Internal

General Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.3 Provide respected and effective representation, leadership and advocacy

9.6 Deploy reliable and efficient governance, audit, risk and improvement services

9.6.5 Continuously review and update Council policies and plans to appropriately support Council's operations

ATTACHMENTS

Attachment 1 – Section 291A – Local Government Act 1993 No 30 – NSW Legislation

Attachment 2 – NSW Electoral Commission (NEC), Countback Elections Factsheet



NSW legislation

Local Government Act 1993 No 30

Current version for 1 September 2024 to date (accessed 26 September 2024 at 9:58)

[Chapter 10](#) > Part 5

Part 5 How are casual vacancies filled?

291 By-elections

If a casual vacancy occurs in a civic office, the office is to be filled by a by-election, subject to this Part.

Note—

The circumstances in which casual vacancies occur are specified in Chapter 9.

291A Countback to be held instead of by-election in certain circumstances

- (1) This section applies to a casual vacancy in the office of a councillor if—
 - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
 - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected—
 - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or

Note—

See section 285 (Voting system for election of councillors).

 - (b) in an election without a poll being required to be held.

Note—

See section 311 (Uncontested elections).
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.
- (4) A countback election to fill a casual vacancy to which this section applies must be conducted—
 - (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner—by a returning officer appointed by the Electoral Commissioner, or
 - (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council—by a returning officer appointed by the electoral services provider.
 - (c) (Repealed)

- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election—
 - (a) the returning officer must notify the general manager of the council concerned, and
 - (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

292 When is a by-election to be held?

A by-election to fill a casual vacancy in the office of a councillor or a mayor elected by the electors of an area is to be held on a Saturday that—

- (a) falls not later than 3 months after the vacancy occurs, and
- (b) is fixed by the general manager (in relation to an election administered by the general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner).

293 Delayed by-elections

- (1) If the Minister is of the opinion that it would be impractical or inconvenient to hold a by-election as provided by section 292, the Minister may, by order published in the Gazette, appoint a subsequent Saturday for the by-election.
- (2) The subsequent Saturday must not be more than 28 days later than the day when the by-election should have been held.

294 Dispensing with by-elections

- (1) This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.
- (2) If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council—
 - (a) order that the vacancy not be filled, or
 - (b) order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).
- (3) If such a casual vacancy occurs in the office of a mayor elected by the electors, the casual vacancy is to be filled by the Governor appointing to the vacant office a councillor nominated by the council.
- (4) If the council does not nominate a councillor for the purposes of subsection (3), the Governor may appoint one of the councillors to the vacant office.

294A Casual vacancy not to be filled where councillor numbers reduced

- (1) A casual vacancy in the office of a councillor (but not a mayor elected by the electors) is not to be filled if the Minister has approved an application under section 224A to reduce the number of councillors but the reduction has not yet taken effect.
- (2) However, subsection (1) does not authorise a vacancy to remain unfilled if the vacancy will result in the council having less councillors than the reduced number approved by the Minister under section 224A.

- (3) Subsection (1) applies to a casual vacancy whether occurring before or after the commencement of this section or before or after the approval of the relevant application under section 224A.

294B Casual vacancy not to be filled where councillor numbers reduced—approved by constitutional referendum

- (1) Despite section 17(2), a casual vacancy in the office of a councillor (but not a mayor elected by the electors) is not to be filled if a constitutional referendum has approved a reduction in the number of councillors but the reduction has not yet taken effect.
- (2) However, subsection (1) does not authorise a vacancy to remain unfilled if the vacancy will result in the council having less councillors than the reduced number approved by the constitutional referendum.
- (3) Subsection (1) applies to a casual vacancy whether occurring before or after the commencement of this section or before or after the constitutional referendum.

295 Casual vacancy in office of mayor elected by the councillors

- (1) If a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the council to be held within 14 days after the occurrence of the vacancy.
- (2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.



Countback elections

What is countback?

A quick, cost effective way to fill a casual vacancy.

Countback allows the council to fill a casual vacancy using a recount of the ballot papers from the last ordinary election instead of requiring an attendance by election.

Council must pass a resolution at its first meeting following the ordinary election to use countback to fill a casual vacancy.

Model resolution

That Council, pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

Why would a Council choose to use countback?

Pros

- Time efficient:
 - Casual vacancy filled within 49 days or less, whereas a by-election can take up to 3 months
- Cost effective:
 - **Small by-election** >\$50,000
 - **Metro by-election** >\$500,000
 - **Countback election** \$6,000 - \$10,000
- Electorate not required to vote again
- No penalties for electors not voting
- No impact on sitting councillors
- Minimal effort from Council.

Cons

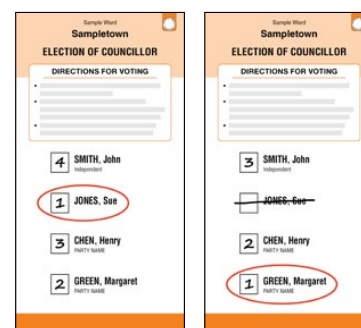
- No new candidates are able to be considered. Only unelected candidates from the previous ordinary election are able to apply
- Unelected candidates from the previous ordinary election cannot campaign to improve their vote.

How does a countback election work?

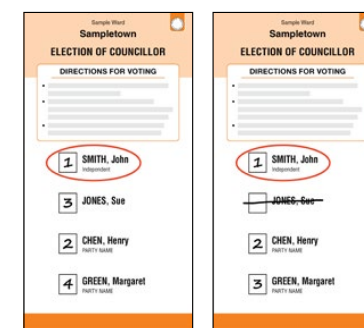
The count is conducted using the same ballot papers from the previous ordinary election which are stored as a data file in our computer count system.

Each ballot paper where the vacating councillor has a preference will be redistributed to the candidate with the next highest preference on that ballot paper by the count system. More examples, including ballot papers with groups, are available on our [website](#).

Example 1: Councillor Sue Jones resigns



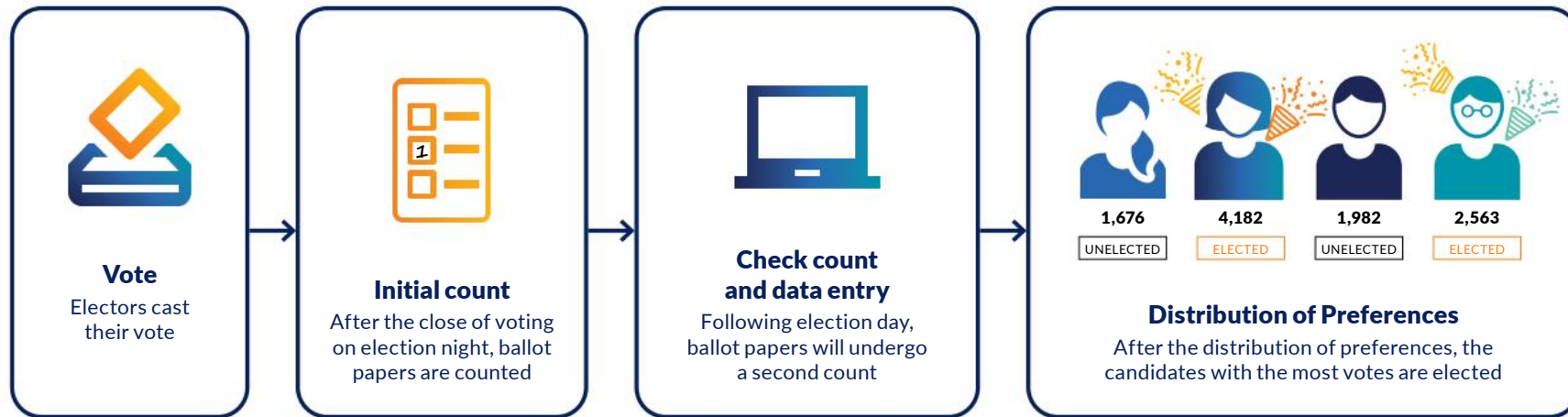
Example 2: Councillor Sue Jones resigns



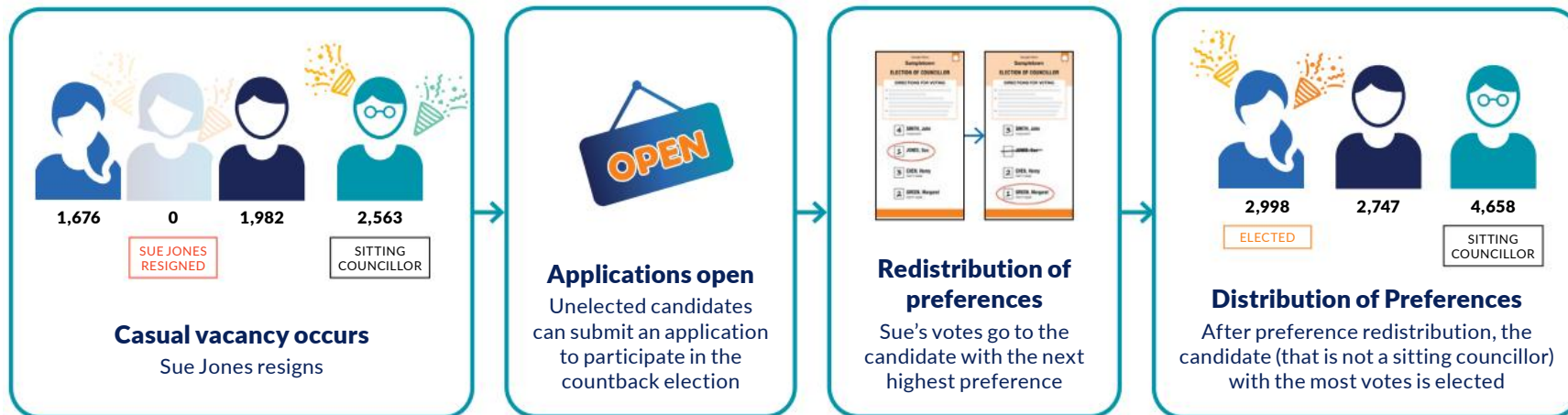
Left: Original ballot paper. Right: Countback preferences

How countback works in detail

Local Government election process



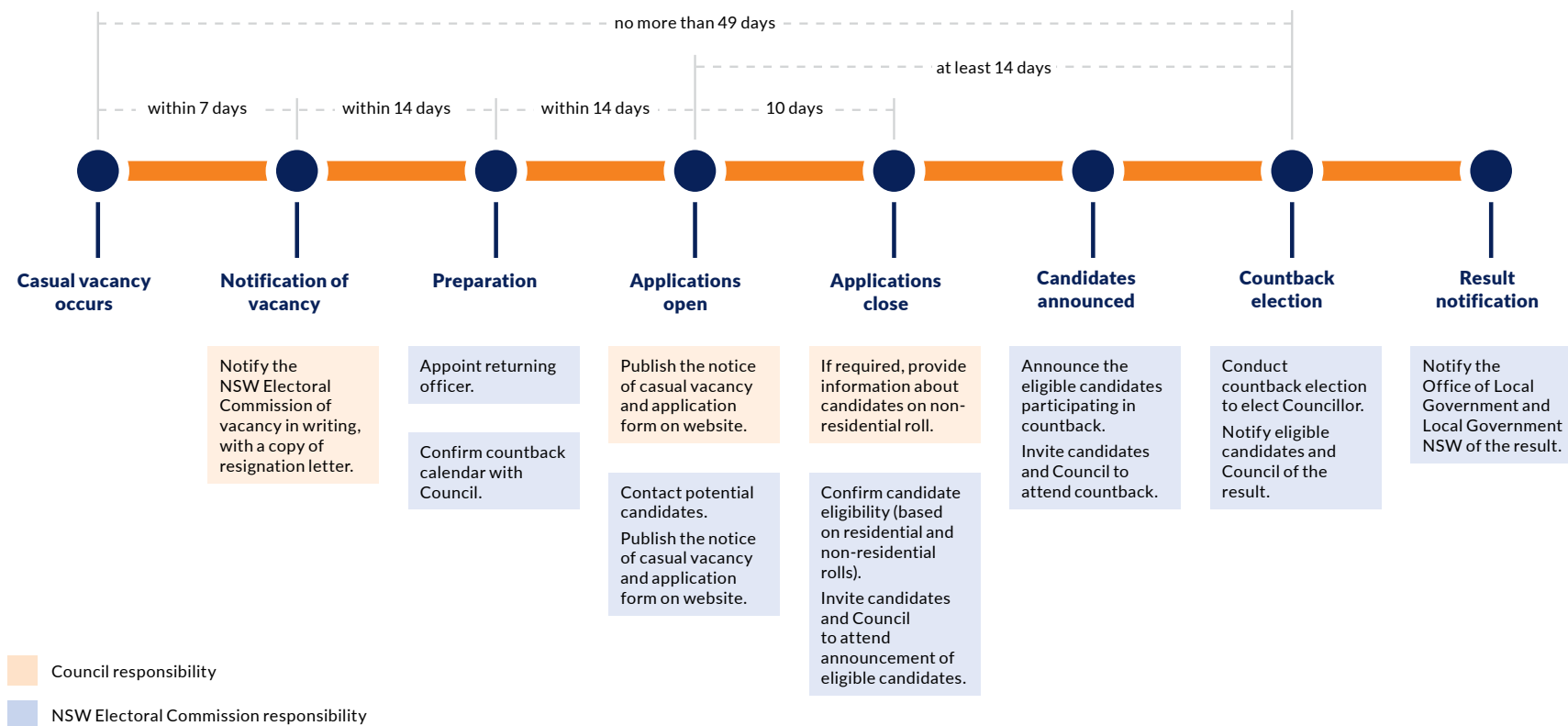
Countback election process



What is the timeline for a countback election?

Countback elections can only be used for 18 months after the Local Government ordinary elections. In the case of the 2024 local government elections, countback can only be used to fill casual vacancies until 14 March 2026.

The following summarises the steps involved in a countback election.



For more information about countback elections visit
elections.nsw.gov.au/elections/how-counting-works/countback-elections

ITEM 8.1.9. ROXY COMMUNITY THEATRE - BUILD AND BUDGET UPDATE - OCTOBER 2024

AUTHOR/S: Roxy Project ManagerRoxy Project Manager

APPROVER/S: General Manager

SUMMARY/PURPOSE

Council is provided an update on the Roxy Build Project since assuming the role of the Principal as determined on 29 May 2023. The reporting period is mid-June 2024 to mid-August 2024.

RECOMMENDATION

THAT Council receives the update on the Roxy build project.

REPORT

(a) Background

At the May 2023 Extraordinary Council Meeting, the Council determined to complete the Roxy Project as Principal following the demise of the Lloyd Group. At that meeting the Council confirmed a build project budget of \$6.4M (a value managed figure for Stages 1 and 2) and a funding strategy that included grants (54%), fund raising (2%) and Council investment (44%). The initial project budget also provided for a contingency of \$430K. Council's voted contribution to the build was \$5.284M, and Council agreed to be loan funded based on intergenerational equity.

In June 2024, an additional \$800K from Section 7.1.2 developer contributions was agreed by Council towards advancing Stage 2 at their Ordinary Meeting, bringing the total Council cash contribution from the general fund to \$6,084M for the redevelopment (now 46% of total costs). This funding will see Stage 2 progressed but not fully completed. Also, items previously managed out will not be able to be returned without further investment.

Staff continue to seek additional grant funding to reduce the Council's loan and deliver the full project. It should be noted that current efforts to raise \$1M from the Office of Local Government (from Disaster Recovery Funds), if successful, have been earmarked to decrease Council's general fund contribution, not add additional income to the project. The Council may, however, wish to reconsider this later to complete the full project.

(b) Discussion

Project Summey - Status

Project Scope

With the currently available funds, Council can complete Stage 1 and some integrated elements of Stage 2.

Stage 1 will deliver:

- Fully functioning auditorium with all specialist Infrastructure.
- Dressing Room Level 1 – warm shell (walls and plumbing).
- Lift 1 to stage and dressing rooms.
- Public toilets ground floor.
- Retractable seating storage.
- Extended foyer ceilings / stud walls / plaster ceilings / painted foyer.
- Bar joinery only (no equipment).
- Specialist infrastructure and services rough-in only for Stage 2.
- Lift 2 to balcony and dress circle.
- Heritage interpretation plan (a condition of consent).
- Supper room refurbishment – carpet and flooring only.

Partical Stage 2 will deliver:

- Roxy 2 – Cold Shell only. Rough in of essential services required for completion when additional funds become available.
- Dressing Rooms Ground and Level 1 – fit out with joinery.
- Green Room – warm shell only but no joinery or fitted out lift landing.
- Bar / Ticketing joinery.
- Cold Shell Theatre Management Space. Only the flooring will be made good, the rest incomplete.
- Function Prep Kitchen – Warm shell only. No equipment or joinery.

Project Cost Management

The PMO is constantly watching costs and adjusting where possible to stretch the available funds. It should be noted that if the Office of Local Government (OLG) \$1M Evacuation Centre funds come to fruition, there will need to be a reconciliation of any additional scope needed there under that grant and what is currently being delivered through the available resourcing. Currently nothing too significant is being anticipated beyond a fully functioning kitchen but the details are still being investigated.

Procurement

100% of forty-six (46) trade package contracts have been let, with

- Mechanical (labor only, fixed price).
- Electrical (open book contract hourly rates).
- (For both mechanical and electrical, materials are being sourced directly by Council)

Specialist Equipment contract has been executed and work as commenced on cable runs and fit off. Stage 2 works are on hold.

Construction Progress

- Structural: Structural steel including plant deck and stage piers 100% complete.
- Mechanical: Outdoor units have been positioned and the remaining external ductwork is now complete. Mechanical switchboards installed and ready to be commissioned.
- Rough in: Electrical rough in is 90% complete. Specialist cabling is complete with cable termination 85% complete. Fire and data are progressing with ongoing challenges in coordination and quality control. This is causing delays in program and associated costs.
- Hydraulics: Kitchen and toilets Hydraulic fit off commenced 90% complete.

- Carpentry: Installation of new doors is complete with door hardware fit of in progress. Sacrificial stage lining installation complete.
- Painting: Painting contract 95% complete. (Painting of Auditorium and dress circle complete. Painting in foyer complete. External painting 90% complete).
- Loading Dock: Installation complete.
- Auditorium Seating complete (fixed and retractable).
- Auditorium Timber Flooring installed.
- All balustrades have been installed.
- Vinyl Floor Linings 95% complete.
- All DDA automated door operators have been installed.
- Specialist Equipment contract 80% complete.
- Electrical CT meter board installation and sign off complete.
- Joinery to dressing rooms is complete, mirrors have been installed.
- Mandatory fire hydrants and the sprinkler valve assembly have been installed.

The overall build status at 95% complete for Stage 1. Some trades are still struggling to maintain the Program due to their internal labor resources. The PMO has had to be flexible with contractors to ensure project continuation. Risks are being actively managed.

The PMO appreciates all trades who have agreed to help with completing the project. Some trades have been working on weekends to maintain the program. Our only way to maintain the budget, due to program delays and variations, is to continue reducing scope in the Stage 2 area.

(c) Photos



Photo: Completed mechanical duct work.



Photo: Rear disabled egress



Photo: Completed amenities. (Protective covering over new flooring)

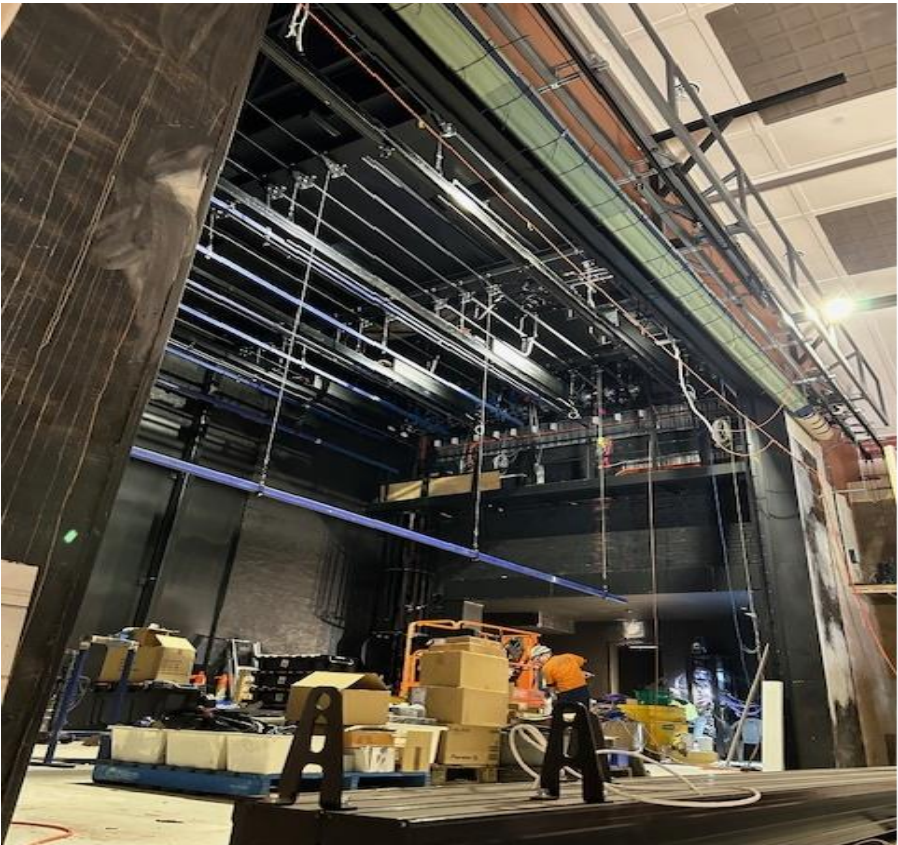


Photo: Completed lighting bar hoists and sacrificial stage lining.



Photo: Retractable seating.



Photo: Completed balustrades. (Protective covering over new flooring)



Photo: Café and bar area. (Protective covering over new flooring)



Photo: Completed lift installed.

Works Program

The inclusion of some integrated Stage 2 works into the program, coupled with delays, extends the Practical Completion (PC) to 14 November 2024. Full Roxy 2 works on hold due to variations associated with coordination and prolongation. Roxy 2 completion will be pending Growing Regions funding.

Electrical works on and off site the main cause of delays in PC. Data cable installation lagging too however not essential for Occupation Certificate (OC). Shell Energy has indicated mid-October for installation of metre board which will then allow Essential Energy to connect upgraded power.

Compliance

- WHS – one (1) accident for this reporting period. Slip on steps. Broken Ankle WHS was notified, and incident managed under Safe Work guidelines.
- WHS - Weekly, monthly, and quarterly inspections carried out by management.
- Heritage Advisor has done his monthly walk of site and determined works to be satisfactory – Monthly.
- Occupation Certificate (OC) requirements are being collated as the build progresses. On track for Building Inspector visit on 14 October 2024.

Associated works

- Fire water main installation is complete.
- Electrical cable installation is complete.
- Electrical power pole and transformer upgrade (Roxy Lane) is complete.
- Roxy forecourt work is complete. Wade Avenue footpath rectification has been completed.
- NBN installation has been completed.
- The Roxy Lane upgrade is underway.

Roxy Redevelopment Committee (RRC)

- RRC has been kept abreast of progress.
- RRC has signed off on all final finishes.
- RRC signed off the heritage interpretation concept plan (a condition of consent) which will be installed in the Supper room.
- A new hoarding has been installed on Wade Ave wall promoting the re-opening of the Roxy in 2024.
- RRC has developed funding strategies with plans afoot to raise \$300K – ongoing. A fundraising sub-committee has been established.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

According to Authority, for the period 01 July 2024 to 30 September 2024, \$1,367,945 was expensed.

The total spent to date (including the Lloyd Group Contract) is \$10,604,186. The total budget is \$12,554,819.

This leaves an available balance of \$1,950,633.

The current forecast to complete Stage 1 (Value managed) is \$1.4M and for Stage 2 is \$1.6M.

An application has been submitted for Growing Regions funding for Stage 2 which requires co-contribution from the Council. Stage 2 is on hold until full funding is secured.

Roxy Financials Summary	Life to Date (LTD) Budget	LTD Actual to 30/6/24 (After Audit)	Remaining Budget 2024/25	Actual 01/7/24 to 30/9/24	Available Budget 2024/25
Roxy Project (WO2319 - GL 15530)	11,754,819	9,236,241	2,518,578	1,367,945	1,150,633
Roxy - additional amount 24/6 funded from Dev Ctbs	800,000	0	800,000	0	800,000
Total Expenditure	12,554,819	9,236,241	3,318,578	1,367,945	1,950,633
Funding:					
Create NSW for Build	-3,945,000	-2,545,000	-1,400,000	0	-1,400,000
Create NSW (RIPA) for Specialist Equipment	-168,806	-135,045	-33,761	0	-33,761
MDBED - Murray Darling Econ Dev Fund	-999,999	-999,999	0	0	0
SCCF #5 - Roxy Seating, Lifts and Specialist Equipment	-981,981	-785,585	-196,396	0	-196,396
Office of Responsible Gambling - Disability Lift & Hearing Augmentation	-133,430	-120,087	-13,343	0	-13,343
Roxy Redevelopment Committee	-300,000	0	-300,000	0	-300,000
OLG Grant Pending	-1,000,000	0	-1,000,000	0	-1,000,000
Developer Contributions	-800,000	0	-800,000	0	-800,000
Loan Funding	-4,225,603	0	-4,225,603	-4,000,000	-225,603
Total Funding	-12,554,819	-4,585,716	-7,969,103	-4,000,000	-3,969,103
Net Cost to Council	0	4,650,525	-4,650,525	-2,632,056	-2,018,470

(b) Policy

Budget 2024 - 2025
 Code of Conduct
 Grants Policy
 Procurement Guidelines Quick Reference
 Procurement Policy
 Procurement Procedure
 Work, Health & Safety Committee Charter
 Work, Health & Safety Management Plan

(c) Legislative/Statutory

Local Government Act 1993
 Environmental Planning and Assessment Act 1979
 Work Health and Safety Act 2011
 Local Government (General) Regulation 2021

(d) Risk

- Electrical labor availability to maintain program.
- Specialist equipment continues to be a risk due to a limited contractor pool. A combination of specialists and local trades with the required skills have been appointed. The critical aspect of the work is integration with base building services and commissioning.
- Trade congestion in high demand areas.
- CT Meter delivery and installation by essential energy.
- Local Trades labor shortages.
- To deliver in full and on time the Project Team meets twice weekly and reports to the Project Control Group (PCG) monthly and Council bi-monthly.

- The Council keeps up fortnightly communications with the community, including regular virtual tours.
- External associated works to maintain program.

CONSULTATION

(a) External

Regular communications (including social media) to keep community up to date. Videos continue to be well received.

Stakeholder engagement is ongoing with the Roxy Redevelopment Committee (RCC) developing ways in which to engage the community in soft and grand openings, sponsorship, and broader stakeholder engagement.

(b) Internal

Project Control Group (PCG) includes General Manager (Chairperson), Katherine Herrmann (Project Director), Gideon Vos (Roxy Project Manager), Peter Salisbury (Contract / Construction Manager), Andrew Valenta (Manager WHS, QA and Risk), Simon Bridges (Superintendent) and Avtar Singh (Director Corporate / CFO).

Director Operations
Manager Road and Drainage Manager
Water and Wastewater

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

- 2. Museum, Arts and Cultural Services
 - 2.5 Operate the Roxy Community Theatre, including:
 - a) Completing the facility redevelopment
 - b) Setting up RIPA (Roxy Institute of Performing Arts)
 - c) Collaborating with NIDA (National Institute of Dramatic Arts)

- 2. Museums, Arts and Cultural Services
 - 2.5 Operate the Roxy Theatre
 - 2.5.1 Complete the refurbishment of the Roxy Theatre both internally and externally

ATTACHMENTS

Nil

ITEM 8.1.10. ROXY COMMUNITY THEATRE - ENDORSEMENT FOR NEW STRUCTURE AND EOI

AUTHOR/S: Manager Community Development & Cultural Services

APPROVER/S: General Manager

SUMMARY/PURPOSE

This paper seeks Council's direction on the ongoing day-to-day operations of the Roxy Community Theatre.

RECOMMENDATION

THAT Council:

1. Rescinds the decision to implement MODEL 2b (Resolution 24/069).
 2. Agrees to explore the option of outsourcing the day-to-day operations of the Roxy Theatre by calling for non-binding Expressions of Interest from suitable organisations and asking the Roxy Redevelopment Committee to review any responses and make a recommendation back to Council on how Council might proceed, noting the availability of a notional investment of \$245K pa for operations and Council's ongoing coverage of utilities at an estimated cost of \$50K pa and touring show sponsorship of \$35K (noting all figures to be adjusted annually by at least the rates cap).
-

REPORT

(a) Background

In regards the future operations of the Roxy Community Theatre, at the Ordinary Council Meeting on Wednesday 26 June 2024 (**Attachment 1**) Council resolved to do the following:

1. *Implement MODEL 2b – being the establishment of a not-for-profit organisation, constituted as a public company limited by guarantee (with Council as one of 3 Founding Members) under the Corporations Act 2001 (Cth), and in accordance with section 358 of the Local Government Act 1993, with the company having primary responsibility for operating The Roxy Community Theatre optimising their social, cultural and economic value.*
2. *Authorise the Roxy Redevelopment Committee (RRC) to recommend to Council 2 of the 3 Members required in the above model, with Council being the founding and first Member.*
3. *Authorise the General Manager to prepare an application to the Office of Local Government seeking the consent of the Minister for the formation of such a company for further resolution by Council.*

Notwithstanding the number of Councils operating arts venues across Australia in the manner described above, Council has since this decision been alerted by our legal advisors that recent application of this model has not realised the anticipated benefits to councils, particularly cost savings, due to industrial relations related Ministerial conditions that were not previously imposed on earlier adopters of the model. If these savings cannot be realised, there is little reason for Council to proceed with the Company Ltd by Guarantee Model, with Council as a Founding Member.

So, where to next?

Council could run the theatre itself at an estimated \$900K - \$1M pa (on par with Griffith and Wagga Theatres, excluding depreciation), however, previous terms of Council have strongly signalled their preference to keep operational costs to pre-redevelopment levels (inflation adjusted, of course), acknowledging that depreciation on the refurbished facility (estimated \$342K pa) and loan repayments (currently \$4M with repayments amortised over 20 years), would be over and above day-to-day operational costs.

If this preference still stands, Council will indicatively have in the vicinity of \$330K to contribute to day-to-day operations, an amount that is insufficient (by around \$570K) to realise the community's aspirations for the Roxy to be "open for business in new and exciting ways".

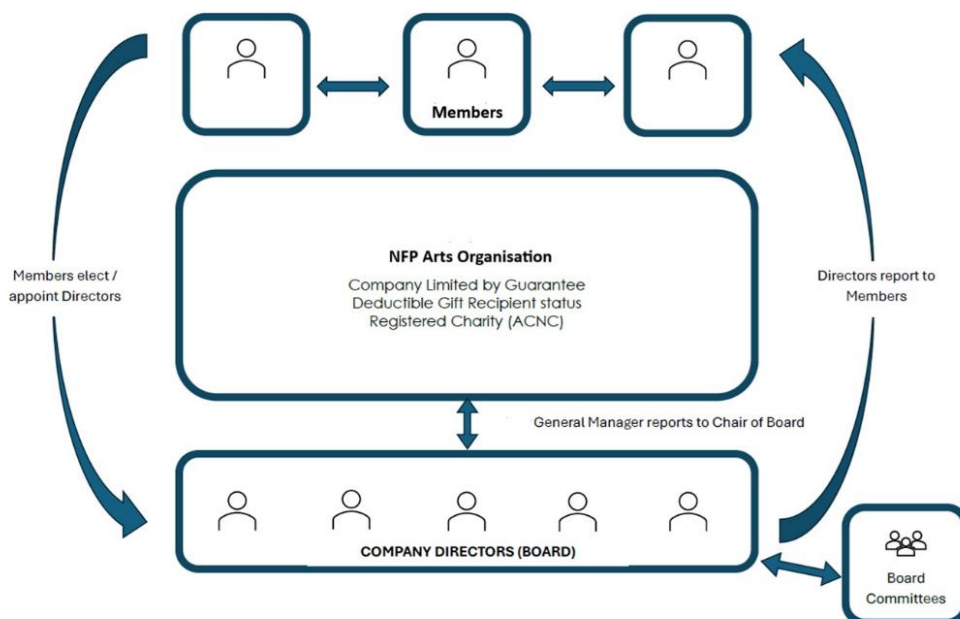
In an attempt to find a way forward to realise the community's aspirations for the redeveloped Roxy within the available fiscal envelope, staff mooted in February 2023 that the notional \$330K be applied as follows:

- A Fee for Services \$245K
- Sponsorship for Touring Shows \$35K
- Utilities \$50K

and that the Fee For Service investment be leveraged by a 3rd party with full charitable status to secure philanthropic funding, sponsorship, grants and donations not available to local government (**Attachment 2**).

(b) Discussion

On the assumption that minimising operational costs at the Roxy Community Theatre is still the Council's most desired way forward, management is once again recommending that Council explore outsourcing the venue's operations, with a view to having a third party leverage philanthropic funding, grant funding, donations and sponsorship not available to local government.



The diagram above shows a standard not-for-profit (NFP) arts company governance structure with charitable status.

The intent is that Council would simply call for Expressions of Interest (EOI) from arts organisations and, following a thorough assessment process, select – if relevant - a preferred provider with whom to develop a lease and a Service Level Agreement.

The Roxy Community Theatre is and will always remain a community / Council asset. This will be impressed in the Service Level Agreement (SLA), and, during the EOI process, Council can invite respondents to explain how they plan to engage with local stakeholders and the Council in the development of their annual program/s.

In the knowledge that there is a very strong connection between community and the Roxy Community Theatre, it is conceivable that respondents may signal their intent to have Council and/or community nominate for representatives to serve on a governing body or advisory committee when putting forward their Expressions of Interest. Council would be able to avail itself of this opportunity.

Of note, EOIs are non-binding, meaning Council can explore the opportunity of outsourcing without having to make a pre-determined commitment to proceed at this point in time.

If an EOI process is agreed, it is recommended that Council asks the Roxy Redevelopment Committee (an Advisory Committee to Council comprising key arts/community stakeholders and five (5) Councillors) to review any Expressions of Interest (EOI) and make a recommendation back to Council on how Council might proceed.

(c) Options

Option 1:

THAT Council agrees to explore the option of outsourcing day-to-day operations of the Roxy Theatre by calling for non-binding Expressions of Interest (EOI) and asking the Roxy Redevelopment Committee (RRC) to review any responses and make a recommendation back to Council on how Council might proceed, noting a notional investment of \$245K pa with this figure to be adjusted annually by the rate-peg. Council to continue to cover the costs of utilities, show sponsorship, depreciation and loan repayments. ***This is the recommended option.***

Option 2:

THAT Council agrees its preference to run the Roxy in-house and nominates an amount for day-to-day operations for budgeting and planning purposes, having regard to the stated community aspirations for the refurbished facility and the estimated operating costs for similar sized theatres (\$900-\$1M).

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil immediate costs above legal fees (if required) which will be funded from the voted budget.

If Option 1 is adopted, day-to-day operations will be in the vicinity of \$330K total, with \$245K a service fee paid to a third party. If Option 2 is adopted, day to day operations could be in the vicinity of \$900K - \$1M per annum. Both options will require annual adjustment by the rate-peg.

NOTE: Depreciation and loan repayments are not included in day-to-day operations costs and will be borne by Council regardless of whatever option is pursued.

(b) Policy

Community Engagement Strategy (Incorporating Land Use Community Participation Plan)
 Operational Plan 2024/2025

(c) Legislative/Statutory

Local Government Act 1993 (LG Act)

(d) Risk

Risk	Mitigation
Community Acceptance of Change to a new Model	<ul style="list-style-type: none"> • Transparent governance framework which allows for active communication and consultation about the benefits to community. • Assurance the Roxy Community Theatre will offer affordable options. • Calling for non-binding EOI and seeking review / comment from the RRC (an advisory committee on the Roxy).
Lack of suitable arts organisation applicants responding to the EOI	<ul style="list-style-type: none"> • Active Council promotion of EOI. • Active RRC promotion of EOI. • Liaising with appropriate stakeholders to promote the vision of the Roxy.
Council Reputation if Refurbished Roxy is not optimised	<ul style="list-style-type: none"> • Lease with a Service Level Agreement (SLA) requires the chosen arts organisation to leverage the Council subsidy to an outcome greater than Council could deliver itself.
New Model (lease and SLA) doesn't deliver as anticipated	<ul style="list-style-type: none"> • Successful arts organisation will need to meet leasing and service level agreement requirements.

CONSULTATION

(a) External

Research and development of relevant operational / governance models has been a frequent topic at many Roxy Redevelopment Committee meetings. Council and the Roxy Redevelopment Committee have also taken advice from Peter Barakate of HWL Ebsworth Lawyers and Hundt Lawyers

Various CEOs and Directors of Performing Arts Organisations including Illawarra Performing Arts Centre (Merrigong Theatre Company), The Art House, The Pavilion, and Empire Theatre have also lent their knowledge and experience to consultations with Leeton Shire Council Management.

(b) Internal

Various Council Staff have been consulted across Governance, People and Culture, Finance, Information Technology, and the current Roxy PMO Departments as well as the General Manager.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DROP)

1. Community Services and Community Development

1.4 Promote and supporting volunteering, both in Council and in the community.

1.7 Promote community inclusion and well-being - including healthy lifestyles, safety at home, disability inclusion and aging in place.

2. Museum, Arts and Cultural Services

2.4 Deliver a program of Public Art, including:

- a) Visual art
- b) Performing art
- c) Poetry days at Henry Lawson Cottage

2.5 Operate the Roxy Theatre, including:

- a) Completing the facility redevelopment
- b) Setting up RIPA (Roxy Institute of Performing Arts)
- c) Collaborating with NIDA (National Institute of Dramatic Arts)

4. Economic Development

4.4 Continue to enhance the CBD of Leeton

4.6 Grow jobs in Leeton by:

- a) Supporting local businesses to expand, meet their workforce needs and build capacity and capability
- b) Attracting new businesses to Leeton Shire

2. Museums, Arts and Cultural Services

2.5 Operate the Roxy Theatre

2.5.1 Complete the refurbishment of the Roxy Theatre both internally and externally

2.5.2 Support the set up and implementation of the Roxy Institute of Performing Arts (RIPA)

4. Economic Development

4.6 Business attraction, retention and growth

4.6.1 Support and facilitate the retention and expansion of existing local business, industry or government services in Leeton Shire, including Yanco Agricultural Institute

4.6.2 Support and facilitate potential new business, industry or government services in Leeton Shire

ATTACHMENTS

1. Attachment 1 - Ordinary Council Meeting 26 June 2024 [**8.1.10.1** - 14 pages]
2. Attachment 2 - Ordinary Council Meeting 22 February 2023 [**8.1.10.2** - 11 pages]

LEETON SHIRE COUNCIL
Ordinary Council Meeting - Wednesday 26 June 2024

**ITEM 8.11 ENDORSEMENT FOR A NEW OPERATIONS / GOVERNANCE MODEL FOR
THE ROXY COMMUNITY THEATRE**

RECORD NUMBER	24/139
RELATED FILE NUMBER	EF24/88
AUTHOR/S	Manager Community Development & Cultural Services
APPROVER/S	General Manager

SUMMARY/PURPOSE

This report seeks Council's endorsement for a new operations / governance model for The Roxy Community Theatre.

RECOMMENDATION

THAT Council:

1. Agrees to implement MODEL 2b – being the establishment of a not-for-profit organisation, constituted as a public company limited by guarantee (with Council as one of 3 Founding Members) under the *Corporations Act 2001* (Cth), and in accordance with section 358 of the *Local Government Act 1993*, with the company having primary responsibility for operating The Roxy Community Theatre optimising their social, cultural and economic value.
 2. Authorises the Roxy Redevelopment Committee (RRC) to recommend to Council 2 of the 3 Members required in the above model, with Council being the founding and first Member.
 3. Authorises the General Manager to prepare an application to the Office of Local Government seeking the consent of the Minister for the formation of such a company for further resolution by Council.
-

REPORT

(a) Background

Leeton Shire Council is at a very important and exciting point in history. The Roxy Community Theatre is due to reach its long-awaited practical completion in July and then commissioning in August / September 2024. This has created an exciting precipice for the local community and Council alike.

The next milestone is to decide the best operational / governance model for The Roxy Community Theatre that can leverage the minimum level funding required to effectively operate a performing arts facility.

LEETON SHIRE COUNCIL
 Ordinary Council Meeting - Wednesday 26 June 2024

The operational objectives have been informed by ongoing consultation with RRC and key stakeholders.

Before making such an important decision, it is necessary to remind ourselves of how we arrived at this point.

i) Past Operations

Before redevelopment, The Roxy Community Theatre was directly managed by Council. It had 1.5 FTE staff dedicated to it: a number that restricted functional capacity and made it difficult to produce programs that met community needs and aspirations as outlined in Table 1. below.

ii) Community Voice

The Roxy Redevelopment Committee (RRC) has voted NOT to return to the past with a clear mandate that the “Roxy be open for business in new and exciting ways”. The RRC voted for and prioritised key operational objectives derived from extensive user group and community consultation. These RRC operational objectives have informed the design / operational outcomes of the Roxy Community Theatre's redevelopment. (See **Appendix A: RRC – Project Priorities Informing Design Solution**).

The Roxy Redevelopment Committee (RRC) has also been very clear with regard to its expectations of this major investment. Whilst ensuring the building is functional and compliant, their objectives also extend to meeting operational requirements set by the community. Consequently, extensive community consultation has also stipulated types of uses, and events required, as well as programs earmarked for growth. Additionally, entirely new program opportunities that cater to all sectors have been requested by our community.

Table 1. The Roxy Community Theatre Program Streams
 Feedback from user groups informing function & operations of The Roxy Community Theatre.

Program Stream	User Group / Presenter	Type of Event	Venue	Grow / New
ROXY AS AN ARTS AND ENTERTAINMENT VENUE				
Cinema	Roxy Presents	Commercial Films	Roxy 1 & 2	Grow
	Community Hire	Arthouse / Specialist Films	Roxy 1 & 2	New
	Schools Hire	Children and Families	Roxy 1 & 2	Grow
		Combination Cinema and Live Music	Roxy 1	New
		Short Films	Roxy 2	New
		Streaming – Arts and Sport	Roxy 1 & 2	New
Live Theatre	Roxy Presents	Drama	Roxy 1	New
	Community Hire	Music	Roxy 1 & 2	Grow
	Commercial Hire	Musicals	Roxy 1	Grow
		Dance	Roxy 1	Grow
		Comedy	Roxy 1 & 2	New
		Spoken Word	Roxy 2	New
		Children and Families	Roxy 1	Grow
		Seniors	Roxy 1 & 2	New
		Cabaret	Roxy 1 Flat Floor	New
Education	Schools	Performances / concerts	Roxy 1	Grow
		Speech nights / Graduations	Roxy 1	Grow
		Short Films & Video	Roxy 2	New
		Training eg Content, Technical Skills & Event Management	Whole Building	New

Table 1. The Roxy Community Theatre Program Streams (contin.)

Program Stream	User Group / Presenter	Type of Event	Venue	Grow / New
ROXY AS A TOWN HALL				
Civic Events	Council Hire	Citizenship Ceremonies	Roxy 1	Grow
	Community Hire	Awards Ceremonies	Roxy 1	Grow
	Corporate / Government	Fundraising Events	Roxy 1 & 2	Grow
	Government Hire	Commemorations – eg ANZAC Day	Roxy 1	Grow
		Information / Consultation Sessions	Roxy 1 & 2	Grow
Functions	Council Hire	Dinners / Lunches / Breakfasts	Roxy 1 Flat Floor	Grow
	Community Hire	Cocktails / Stand Up	Whole Building	Grow
	Corporate / Government Hire			
Conferences	Council Hire	Plenary Sessions	Roxy 1	New
	Community Hire	Breakout Sessions	Whole Building	New
	Government and Corporate Hire	Industry Dinners	Roxy 1 Flat Floor	Grow
		Awards Ceremonies	Roxy 1 or Flat Floor	Grow
		Industry Development Events	Whole Building	New

ROXY AS A HUB FOR BUILDING SOCIAL CAPITAL

Roxy Presents	Festivals	Whole Building & Leeton Spokes	New
Council Presents	Touring Exhibitions	Roxy 1 Flat Floor	New
Community Hire	Installations / large scale Artworks	Roxy 1 Flat Floor & Leeton Spokes	New
	Light & Projection installations	Whole Building & Leeton Spokes	New
Roxy Presents	Commissioned Theatre Works	Roxy 1	New
Council Presents	Large Scale Music Works	Roxy 1	New
Community Driven	Installations / Visual Arts	Whole Building	New
	Special Festivals (eg Art Deco Festival)	Whole Building & Leeton Spokes	New
	Expos / Information Sharing	Whole Building	New
	Fashion and Design	Whole Building	New
Roxy Presents	Rehearsals	Studio	New
Council Presents	Creative Development	Studio	New
Community Hire	Training & Skills Development	Studio, Roxy 1	New
	Workshops	Studio	New

iii) February 2023 Council Meeting

Last year a paper was tabled at the Ordinary Council Meeting on Wednesday 22 February, "Item 7.3 – Roxy Community Theatre – Future Operations Model – 23/006" which sought to explore the outsourcing of the day-to-day operations and programming of The Roxy Community Theatre having regard to the needs of the traditional user-groups and on the basis that Council will contribute in the order of \$245 per annum for day-to-day program operations, which will be separate to utilities (electricity, water, security, cleaning, and maintenance) at \$43,000, depreciation at \$324,000 and Council sponsorship for touring shows and special events at \$35,000.

iv) May 2024 Council Workshop

The Roxy Redevelopment Committee (RRC) members accompanied by Council employees and contractors presented Councillors with various operating / governance models.

(b) Discussion

What Makes a Successful Theatre or Performing Arts Centre?

In addition to our community's voice via the Roxy Redevelopment Committee (RRC)'s operational objectives and program stream requirements, the general success of theatres can also be measured by industry specific criteria as follows:

i) Industry Specific Measures of Success for Theatres / Performing Arts Centres

- Effective industry led leadership.
- High capacity to secure philanthropic funds.
- High level of flexibility to respond to community needs around management, programming, and marketing.
- Effective delivery of a competitive operating and service culture through service level and funding arrangements with Council.
- Competitive pricing, responding to community needs – due to a staff award that comes from industry (eg. Live Performance Award [MA000081]).

(See **APPENDIX B**: What does a high performing arts centre look like? Table 5 - Summary of critical success factors)

ii) Sample Operational Expenses and Benchmarking

To operate The Roxy Community Theatre at a level that meets Community requirements, Council, and industry standards, a minimum of \$1.1Mill would be required as outlined in the February 2023 Council paper. This paper also benchmarked other facilities and identified that Griffith and Wagga Council contributed \$950K to their theatres (excluding depreciation) in FYE2023.

Operational Item	Description	Cost
Staffing	Minimum of between 3-5 people to operate the venue	\$600 - \$800K
Administration	Including Oncosts	\$200k
Public Programs	Regular activation of the spaces within The Roxy Community Theatre as well as through community outreach	\$100K
Community Access	Regular and ongoing access to spaces within The Roxy Community Theatre	\$100-\$200K

iii) Closing the Operational Funding Gap

With the above operational expenses exceeding Council's proposed annual subsidy of \$280K, The Roxy Community Theatre's future operating / governance model will need to allow the organisation to close the gap between Council's annual subsidy and actual operating costs. Access to funding from alternative sources (other than Council) is critical to financial sustainability and success. To that end, alternative funding can come from three main sources:

- i. Bums on Seats and Venue Hire
- ii. Government (ie. State and Federal)
- iii. Private Funding ie. Philanthropic and Corporate Sponsorship

While alternative funding from *i. Bums on Seats and Venue Hire* is achievable, and an expected outcome, from any model, The Roxy Community Theatre will need a specifically designed governance structure / operating model to be able to access *ii. Government*, and *iii. Private Funding* for theatres and arts programs. Only an operating model with Deductible Gift Recipient (DGR) and Charitable Status can attract philanthropic funding from donors (a Charitable organisation is more attractive to donors and philanthropists especially when sponsorship is also accompanied by a level of philanthropic funding - due to major tax benefits passed onto donors).

(c) Options

The Options - MODELS

The Roxy Community Theatre requires an operating model / governance structure that will enable it to leverage the significant capital investment made to it, and to be able to operate "in a new and exciting way". To ensure success, the Roxy Redevelopment Committee (RRC) is determined NOT to return to 'business as usual' (the past), Research and extensive community consultation has provided us with excellent examples and measures of success.

The following are the operating models that the Roxy Redevelopment Committee (RRC) and Council staff and contractors have reviewed, along with their benefits (or lack thereof) to The Roxy Community Theatre and Leeton Shire Council.

i) MODEL 1 - Directly Managed by Council (the Past)

The Council direct line management model is typically implemented through appointment of a council officer as the venue manager within normal line management procedures. This model (based on an operational budget of \$280K) was implemented in the past and it consisted of the following:

- 1.5 FTE (under the Local Government Award)

Under this model, Council is responsible for all operations, maintenance, and depreciation.

Historically, the operating budget provided by Council to create cultural activity at The Roxy Community Theatre was only partially expended due to the limited capacity of very small staffing numbers and a building that was not fit for purpose.

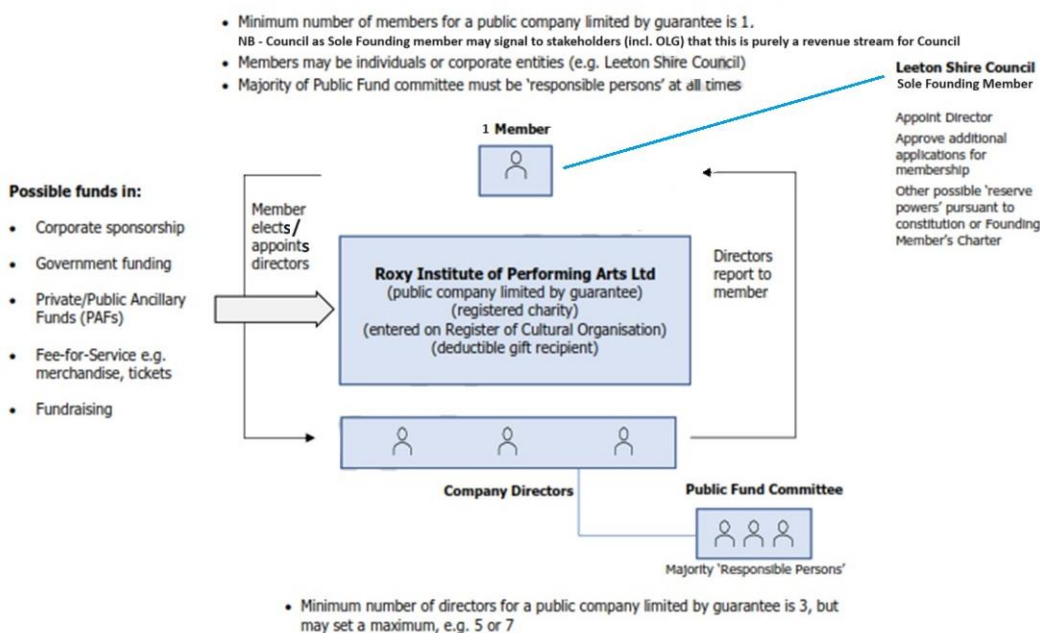
LEETON SHIRE COUNCIL
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Below: excerpt from Council's budget 2014 - 2016

Roxy Theatre			
Recurrent income			
Total Recurrent income:	114,605	116,840	171,083
Less Expenses			
Total Recurrent Expenses:	390,270	374,644	446,054
Year-To-Date Deficit	-275,665	-257,804	-274,972

This model did not/will not be able to attract alternative funding through philanthropic donations. Therefore, it does not rate highly on the industry measures of success and will not allow The Roxy Community Theatre to operate in the "new and exciting way" that our Community requires. Past performance demonstrates that the existing local government structure results in poor community outcomes.

ii) MODEL 2a – Company Limited by Guarantee – Council is Sole Founding Member



This model has been the preferred model of Council owned theatres / performing arts centres across Australia, due largely to the overall positive evaluation through cross-industry research of the following criteria:

- Effective industry led leadership.
- High capacity to secure philanthropic funds.
- High level of flexibility to respond to community needs around management, programming, and marketing.
- Effective delivery of a competitive operating and service culture through service level and funding arrangements with Council.
- Competitive pricing, responding to community needs – due to a staff award that comes from industry (e.g. Live Performance Award [MA000081]).

In **Model 2a**, where a Company Limited by Guarantee (CLG) is established, Council supports and retains control through a services agreement. Staff and operations are engaged and managed under the new company and an industry specific employment award such as the Live Performance Award (which is more cost effective than the Local Government Award). Council can continue to exercise control at arms-length through being the sole member, with control over Board appointments specified in the organisation's Constitution, and through the services agreement.

An excellent example of this model is The Art House Wyong www.thearthousewyong.com.au

(See **APPENDIX C**: Where's Wyong? [case study])

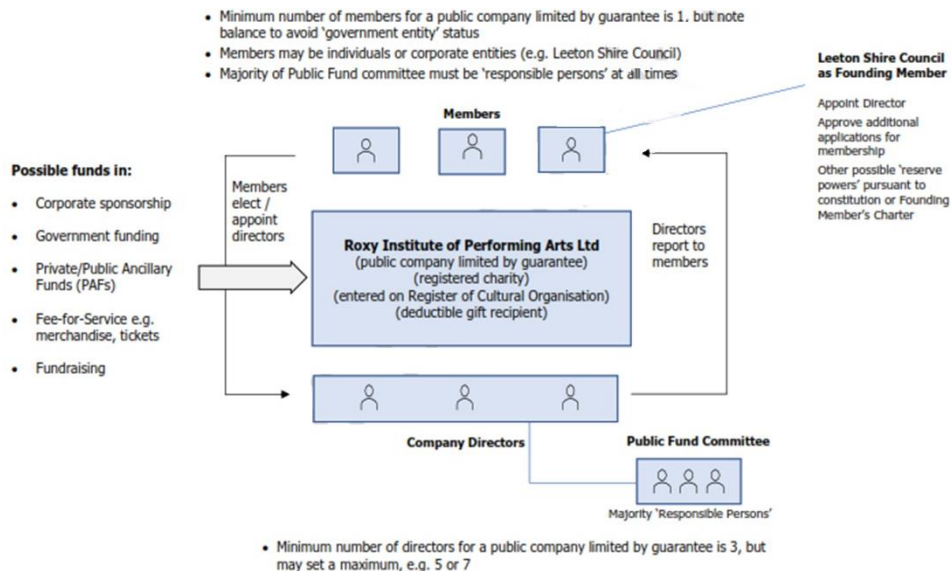
The Art House Wyong

Overview of case study + further points from Executive Director Anne-Marie Heath...

- The Art House Wyong – 500 seat theatre | 130 seat studio | foyer exhibition space | meeting facilities | café / bar
- Located in a town of 4,530 people.
- Built in 2015
- Became a Company Limited by Guarantee (CLG) in May 2016
- Began with 3 staff | In 2024 has 13 staff members.
- Building is owned by Central Coast Council, NSW
- Next closest town, Gosford, is 21km away (whose theatre is owned and still operated by Central Coast Council but is about to transition to fall under The Art House's operations)
- Named Performing Arts Centre of the Year in 2022 by PAC Australia, "against the capital city juggernauts".
- Named Wyong Business of the Year in 2022.
- The Art House has helped position Wyong as a thriving hub and feeds current data regarding social and economic impact on their community back to Council (55% of audience now comes from outside the Wyong postcode).
- The venue is championing its local artists to become the next big names on stage.

In 2022 the Office of Local Government (OLG) in NSW changed the Guidelines to section 23A of the Local Government Act 1993 which outline matters that councils need to address when making an application to the Minister (when the application is to create a Company Limited by Guarantee [CLG] as the model for their theatre / performing arts centre).

iii) MODEL 2b – Company Limited by Guarantee – Council is Founding Member (of 3 Members) THIS IS THE RECOMMENDED OPTION



With the new Guidelines introduced by the Office of Local Government (OLG) in NSW in 2022, The Roxy Community Theatre needs to find a way to continue to pursue its major goal of delivering on our community's requirements whilst not letting go of examples of best practice across Australia (such as in the case of The Art House Wyong). Therefore, with legal advice, **MODEL 2b** was designed.

MODEL 2b is very similar to **MODEL 2a**. The only difference is that in **MODEL 2b** there are 3 Members rather than 1. In the case of The Roxy Community Theatre, Leeton Shire Council would be the Founding Member. The other 2 members need to be people who embody the meaning and vision of the organisation.

MODEL 2b, with 3 Members, gives The Roxy Community Theatre an advantage when it comes to requesting approval from the NSW State Government's Office of Local Government (OLG). This number of members is sufficient to ensure that Leeton Shire Council retains special powers outlined in the Constitution, but with community representation at a member level **MODEL 2b**. Such a structure demonstrates that The Roxy Community Theatre will have majority Council control, but with non-governmental membership as well. The formation of a separate entity from Council with membership extended beyond Council for revenue raising and more effective management will overcome the limitations of the existing local government structure and produce better outcomes for the community.

Not only does **MODEL 2b** ensure that The Roxy Community Theatre can deliver on everything that the Roxy Redevelopment Committee (the voice of the community) has requested, it also still allows for an overall positive evaluation of the industry specific criteria.

The Options – Associated Financials

There are major financial differences between Model 1 and Models 2a and 2b.

iv) MODEL 1 – Associated Financials

This operating model did not allow for large philanthropic donations; nor did it allow for the old Roxy to benefit from industry grants for the performing arts that lay outside of the reach of theatres / performing arts centres managed by Councils.

	2013/14	2014/15	2015/16
	Actual	Actual	Actual
	\$	\$	
155 - Roxy Theatre			
Recreation and Culture			
Recurrent income			
Lease Rentals Received	-	-	-
Theatre Sales - Box Office	71,148	79,401	76,852
Theatre Sales - Special Events	25,061	16,204	76,964
Theatre Income - Advertising	-	-	-
Theatre Income - Theatre Hire	16,523	20,121	16,683
User Fees and Charges	112,732	115,726	170,499
Grant Capital - Roxy Restore	-	-	-
Grants and Contributions Capital			
Donations Received	250	1,000	150
Theatre Income - Poster Sales	-	-	-
Sundry Income	1,623	114	434
Other Income	1,873	1,114	584
Total Recurrent income:	114,605	116,840	171,083

v) MODELS 2a and 2b – Associated Financials

As Models 2a and 2b are both Companies Limited by Guarantee (CLG), they are both perfectly positioned to attract and receive large philanthropic donations as well as to benefit from industry grants for the performing arts that lay outside of the reach of theatres / performing arts centres managed directly by Councils. The pink arrows below show how Model 2a allows Illawarra Performing Arts Centre (Merrigong Theatre Company) to attract approximately 30% in extra revenue via philanthropic funds and industry specific grants.

Illawarra Performing Arts Centre (Merrigong Theatre Company)

Notes to the Financial Statements
 For the Year Ended 31 December 2022

4 Revenue and Other Income	2022	2021
	\$	\$
Revenue from contracts with customers		
Trading revenue		
Theatre services	3,299,905	2,021,762
Sale of goods	636,293	329,230
Venue hire	618,668	244,611
Government grants		
Local government grants	1,254,765	1,235,395
Create NSW - Multi year funding	149,000	55,500
Create NSW - Rescue and restart funding	-	750,000
Create NSW - Auspicie funding	25,050	9,720
RISE Funding	337,732	-
Australia Council for the Arts	35,000	21,443
Other grants		
Foundations	46,000	46,000
	6,402,413	4,713,661
Other revenue		
Government COVID-19 stimulus income	-	557,320
Donations	43,036	90,590
Interest received	22,025	3,842
Sundry income	15,691	24,551
	80,752	676,303

Philanthropic as a % of Non-Trading revenue



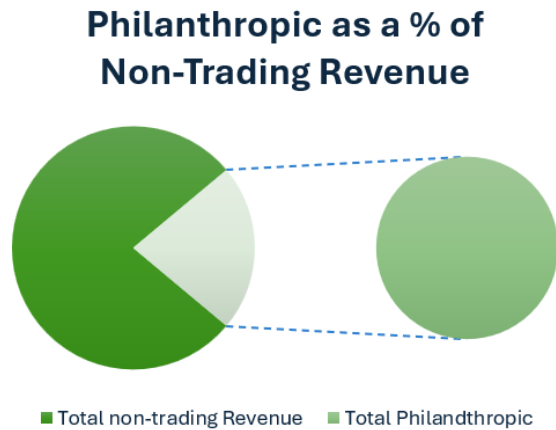
Dandenong Ranges Community Cultural Centre (Burrinja) is also a Company Limited by Guarantee (CLG), and this company's financials again show how their operating model attracts philanthropic funding and industry specific grants that lay outside of

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the reach of theatres / performing arts centres directly managed by Councils. The green arrows below point to philanthropic funding which then translate to a percentage of this CLG's non-trading revenue in the diagram adjacent (again approximately 30%).

Dandenong Ranges Community Cultural Centre (Burrinja)

	2023	2022
	\$	\$
2 OPERATING SURPLUS		
Included in operating surplus are the following revenues:		
Funding income (a)	884,322	715,908
↳ Creative Victoria Funding income	100,000	54,920
↳ Gallery Income	9,138	7,245
↳ Government pandemic assistance	649	44,093
↳ Performing Arts Income	98,345	46,619
↳ Venue income	286,049	158,802
↳ Other Income	99,112	69,418
	1,477,615	1,097,105
Included in the operating result are the following items of operating expenses:		
Remuneration of auditor	6,000	10,000
Standards Accountants and Advisors (2022: McBain McMartin & Co.)		
Funding income and the surplus achieved by the Association for the year include the below amounts received for the acquisition of assets. While the income is captured in the 2023 financial year, under the guidance of AASB 1058 - Income of Not-for-Profit Entities, the benefit is realised over the asset's life.		
(a) ↳ Grant for acquisition of dehumidifier	140,356	
↳ Grant for acquisition of projector	20,000	
	160,356	
7 INCOME RECEIVED IN ADVANCE		
Funding in advance - Yarra Ranges Shire Council	148,240	148,240
↳ Project Funding in advance	114,207	259,519
↳ Deposits on ticket sales/ Unearned income	42,832	86,430
	305,279	494,189



vi) **MODELS 1, 2a, and 2b – Financial Commonalities Across All Models**

Under any of the operating / governance models outlined in this report, the following is true:

The Roxy Community Theatre is an asset owned by Leeton Shire Council

The following diagram outlines the financial responsibilities pertaining to each operating Model. It also shows Council's financial responsibility no matter which model is chosen.

	Model 1	Model 2a	Model 2b
All Operations	Blue	Red	Red
Asset Maintenance	Blue	Blue	Blue
Asset Depreciation	Blue	Blue	Blue

Financial Responsibility lies with...

Blue	Leeton Shire Council
Red	Company Limited by Guarantee

vii) **MODELS 2a and 2b – Operational 'Proof of Concept'**

In 2021, our community came together and proved that they were the heart of a vibrant and successful week of community driven performances. HENRY V was produced, rehearsed, and delivered to sold out audiences (4 nights in a row) all within 4 months.

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Working closely with community, accessing the help of a few key professionals, and bringing our town's beloved theatre to life, we gave Leeton a taste of what it would be like if The Roxy Community Theatre were to operate as a Company limited by Guarantee (CLG). This was our 'Proof of Concept' for a model such as 2b that would have attracted even more funding and offered businesses a tax deduction for their support (often requested by sponsors of the event). (See **Appendix D: Henry V – Example of Sponsorship**).

viii) Additional Benefits – Supporting the choice of MODELS 2a or 2b

Leveraging the Community efforts that produced Henry V in 2021 and the partnerships and networks developed throughout redevelopment period ensures, The Roxy Community Theatre, operating under **MODEL 2b**, has the support of many notable organisations and people across the arts and entertainment industry including and not limited to;

National Institute
of Dramatic Art

NIDA



Australian
Chamber
Orchestra



ix) Next Steps

If **MODEL 2 (a or b)** is chosen, a transitional phase of operations from July 2024 to March 2025 will see the development and undertaking of the following:

In simultaneous mode, Council will provide operational oversight while the company is being established. Emma Di Muzio (Manager Community Development & Cultural Services) is best placed within Council to facilitate Council's role to establish the Company. Steps will include:

- Constitution developed
- Members selected (for Model 2b)
- Board recruitment
- Service Agreement – developed between Theatre operations and Council
- Strategic Plan – the document that will guide all staff and stakeholders toward organisational goals
 - highlighting national partnerships ie. NIDA, SOH, ACO, Bell Shakespeare, ATYP, State Theatre Company SA and collaborative programming and leverage of philanthropic platforms/opportunities
- Operational Plan
 - incl. Annual Budgets and organisational systems /policies and procedures)

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IMPLICATIONS TO BE ADDRESSED

(a) Financial

The funding needed to deliver MODEL 2 (a or b) is within the 2024/25 proposed budget.

(b) Policy

Legislative Compliance Policy
 Financial policies

Revenue Policy
 Volunteering Policy

(c) Legislative/Statutory

Consideration to be given the following:

- Corporations Act 2001 (Cth)
- Section 358 Formation of Corporations and Entities – guidelines pursuant to section 23A of the Local Government Act 1993 (the Act).

(d) Risk

Risk	Mitigation
Community Acceptance of Change to a new Model	- Transparent governance framework which allow for active communication and consultation about the benefits to community. - Assurance The Roxy Community Theatre will offer affordable options
Council Reputation if Refurbished Roxy is not optimised	- Choice of Model 2 (which leverages the Council subsidy to an outcome greater than Council could deliver)
Insufficient Income from funding sources	Staff and volunteers plan for, submit, develop, and negotiate; - grant applications - philanthropic papers - sponsorship arrangements
Lack of suitable applicants	- Active board recruitment to fulfil the required skills matrix - Liaising with appropriate stakeholders to promote the vision - Use of arts sites to ensure appropriate staff recruitment
Model 2 doesn't deliver as anticipated	Members to recruit an effective Board which will then be underpinned by the following documents (with their specific deliverables) - Service Agreement - Constitution - Strategic Plan - Operational Plan

CONSULTATION

(a) External

The Roxy Redevelopment Committee has been at the heart of all external consultations with Council. Frequent meetings of the full committee as well as sub committees have occurred. Research and development of relevant operational / governance models has been the main topic at many of these meetings.

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Council and the Roxy Redevelopment Committee have also taken advice from Peter Barakate of HWL Ebsworth Lawyers and Hundt Lawyers

Various CEOs and Directors of Performing Arts Organisations including Illawarra Performing Arts Centre (Merrigong Theatre Company), The Art House, The Pavillion, and Empire Theatre.

(b) Internal

Various Council Staff have been consulted across Governance, HR, Finance, IT, and the current Roxy PMO Departments as well as the GM.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

Under the Key Priority Area CSP FOCUS AREA 1 - A connected, inclusive and enriched community within Council's adopted Delivery Program/Operational Plan – DELIVERY PROGRAM FUNCTIONAL AREA 2 - Museum, Arts and Cultural Services - DELIVERY PROGRAM ACTIVITY 2.5 - Operate the Roxy Theatre, including: Completing the facility redevelopment; Setting up RIPA (Roxy Institute of Performing Arts); Collaborating with NIDA (National Institute of Dramatic Arts) - OPERATIONAL PLAN ACTIVITY 2.5.1 - Complete the refurbishment of the Roxy Theatre both internally and externally".

Delivery Program 2022–2025

Outcome Cc3. We are rich in arts and culture

Cc3.2	Provide a program of theatre, dance, music and cinema that caters to a range of audiences	Council – Roxy Community Theatre, Dance and music teachers, hotels, Roxy Institute of Performing Arts (RIPA), the Yanco Cultural and Arts Hub	Roxy Community Theatre
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2. Museum, Arts and Cultural Services					
<p>As your Council we understand that you, our residents, would like us to invest time and resources into the arts, heritage and other cultural services.</p> <p>You said that cultural services, such as the provision of the Leeton Museum and Gallery and the Roxy Community Theatre, are among the Council services with which you are most satisfied. You also said you want more – only 67% of you feel there is a good range of cultural and artistic activities in Leeton Shire.</p> <p>During the period 2022 to 2025, our promise to you is that we will undertake the following activities.</p>					<p>Responsible Group: Shire Activation</p> <p>Cost 2022/23 – Capex: \$3.15M</p> <p>Opex: \$666K</p>
DP Ref.	Activity	CSP Links	Years	Tracking success	
				Measures	Targets
2.5	Operate the Roxy Theatre , including <ul style="list-style-type: none"> Completing the facility redevelopment Setting up RIPA (Roxy Institute of Performing Arts) Collaborating with NIDA (National Institute of Dramatic Arts) 	CC3 L3	2022/23 2023/24 2024/25	Redeveloped theatre officially opened 22/23 Audience patronage Student patronage	✓ ↑

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ATTACHMENTS

- 1 APPENDIX A _RoxyReport_RRC - Project Priorities Informing Design Solution
- 2 APPENDIX B_RoxyReport_What does a high performing arts centre look like?
Table 5 - Summary of critical success factors
- 3 APPENDIX C_RoxyReport_TheArtHouseWyong_CaseStudy
- 4 APPENDIX D_RoxyReport_Henry V - Example of Sponsorship

ITEM 7.3 ROXY COMMUNITY THEATRE - FUTURE OPERATIONS MODEL

RECORD NUMBER	23/25
RELATED FILE NUMBER	EF22/26
AUTHOR/S	General Manager
APPROVER/S	General Manager

SUMMARY/PURPOSE

This report seeks Council's endorsement to explore a new model of service delivery for the Roxy Community Theatre which involves outsourcing day-to-day operations and programming, subject to a Service Level Agreement (or similar) and regular reporting back to Council.

The report notes that operating a Theatre is not a commercial venture. It proposes a fixed sum be voted annually to support operations, with the service provider required to make up the difference.

The report recommends calling for non-binding Expressions of Interest which will be presented to Council for consideration by no later than the May 2023 Council meeting.

RECOMMENDATION

THAT Council:

- 1). Agrees to explore the outsourcing of the day-to-day operations and programming of the Roxy Community Theatre having regard to the needs of traditional user-groups and on the basis that Council will contribute in the order of \$245K per annum as a payment or subsidy - inclusive of GST (if applicable) – to a suitable provider.
- 2). Authorises the General Manager to call for Expressions of Interest (EOI) for day-to-day operations of the Roxy, the scope of which is to be approved by the Roxy Redevelopment Committee along the lines of this report prior to its release.
- 3). Requests the General Manager to provide a further report to Council on the EOI responses by no later than the May 2023 Council meeting.
- 4). Agrees in principle that Council will continue to cover the costs and make all the necessary arrangements for utilities, security, rates, maintenance, base cleaning, sponsorship and depreciation to an estimated value of \$409K.
- 5). Notes that for 2023/24 budget preparation purposes, the draft Roxy operations budget will assume an outsourced service fee of \$245K net for day-to-day

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program operations, which will be separate to utilities (electricity, water, security, cleaning, and maintenance) at \$43,000, depreciation at \$324,000 and Council sponsorship for touring shows and special events at \$35,000.

- 6). Notes that prior to making a final decision on outsourcing Roxy Community Theatre day-to-day operations and programming, Council will be required to meet its industrial relations obligations under the Local Government Act 1993.
-

REPORT

(a) Background

With the redevelopment of the Roxy Community Theatre due to be completed by end July 2023 and commissioned during the month of August (assuming all steel supplies go to plan), it is timely to now consider the facility's future operations.

The Roxy Redevelopment Committee engaged heavily with user groups and community in recent years to flesh out its goal of gearing up a refurbished Roxy "to be open for business in new and exciting ways".

This culminated in a VISION FOR THE ROXY that includes:

1. *A venue that provides high quality theatre experiences from performances given by the local community to professional touring groups (spanning music, comedy, dance and more)*
2. *A venue that is at the heart of the town, that brings people together and connects young and old, generating a hive of activity that overflows into and activates the CBD*
3. *A venue that generates high quality cultural activity from and by local talent*
4. *A venue that is fully accessible and caters for special events and is for hire*
5. *A venue for cinema use and that will attract first releases*
6. *A venue that doubles as a general-purpose civic hall and caters for functions, community use and fund raisers*

The OPERATING OBJECTIVES for the Roxy, include:

- *Bring high quality cultural content and touring shows to Leeton*
- *Provide a platform for broad community engagement and participation*
- *Be an economic activator of the heart of the town, increasing local retail turnover*
- *Leverage the unique heritage value of the Roxy*
- *Leverage the significant stakeholders in education and health across the region*
- *Leverage the significant economic trade and innovation that underpins our region nationally and internationally*

The redeveloped Roxy includes the main auditorium, stage, dressing rooms, office space, a theatrette and café/bar and foyer.

It is intended that the Roxy Community Theatre will eventually operate 6 days a week.

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When Council agreed to redevelop the Roxy and expand the footprint to deliver on the aspirations of the community, it was always understood that this would be on the basis that operational costs (beyond CPI and depreciation) would be held steady and that a new model of service delivery would be investigated to achieve higher levels of service without further burdening the Shire's ratepayers.

The table below sets out in the first column of figures the adopted budget for running the Roxy in 2019/20 (just prior to Covid) and is called the "Base Case". The second column of figures is the "Adjusted Base Case" for 2023/24 (using estimates) which assumes the redeveloped Roxy is complete and functioning. The far right column sets out the likely budget requirements to run an "Activated Service Model" that is better able to deliver on the full vision and aspirations of the community for the redeveloped Roxy Community Theatre.

The Adjusted and Activated models assume a much higher level of activity than in 2019 including more touring shows (the stage will now be compliant); more movie attendees (there will be first release films and a 'cosier' theatre with improved climate control); an increase in hire of the facility (better facilities for catering and a larger flat floor for dining tables) and a café/bar (more reason to linger/socialise). The Activated Model includes the operation of a performing arts institute (with a broad range of education opportunities).

The difference between the Adjusted Base Case and the Activation Model operational result is \$100,000, as shown in the table below, although it is acknowledged that the budgets are 'best guesses' at this stage and the grant income and donations are potentially optimistic.

The fundamental difference between the two models is that the Activated Service Model has more human resource available and greater capability and capacity to attract grants, sponsorship and donations. This will then be leveraged to supply a greater range of programs, activities and performing arts expertise, as well as longer opening hours to service the educational hub.

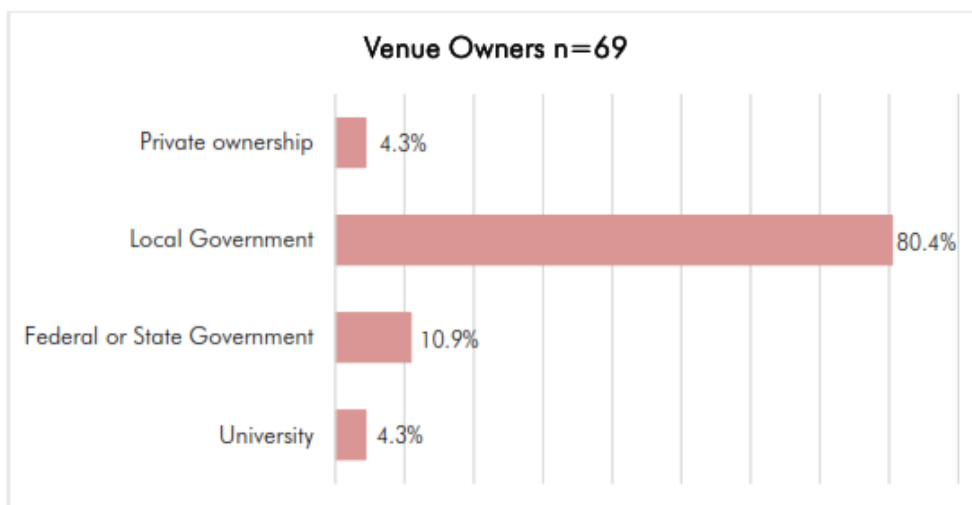
It envisaged that the development of an Activated Service Model will be incremental. The budget estimate in this report has been loosely based on previous advice from theatre specialist Rob Gebert from Rob Gebert Arts Consultancy who prepared a business case for Council's BBRF funding application, and economic survey analysis by PAC (Performing Arts Connections Australia). More detail is provided in the Benchmarking section below.

Redeveloped Roxy - Operations Estimates - Program Ops, Total Ops, Closing the Gap			
	Base Case - 2019/20 adopted budget	Base Case adjusted to 2023/24 - New Roxy	Activated Service Model Budget - New Roxy
INCOME			
Sponsorship & Donations	\$ 3,100	\$ 5,000	\$ 80,000
Grant Program - State & Federal	\$ -	\$ 10,000	\$ 80,000
Commercial - Café Lease & Advertising	\$ 3,500	\$ 40,000	\$ 70,000
Theatre Hire incl Special Events	\$ 40,000	\$ 50,000	\$ 100,000
Tickets sold (shows and movies)	\$ 65,000	\$ 80,000	\$ 180,000
TOTAL INCOME	\$ 111,600	\$ 185,000	\$ 510,000
EXPENDITURE PROGRAMMING			
Staff Costs	\$ 168,450	\$ 220,000	\$ 480,000
Administration	\$ 10,150	\$ 20,000	\$ 80,000
Marketing & Promotion	\$ 12,000	\$ 20,000	\$ 40,000
Food & Beverage	\$ -	\$ 15,000	\$ 25,000
Movies, Production & Show	\$ 25,000	\$ 60,000	\$ 110,000
Other - Materials, Props etc	\$ 3,000	\$ 15,000	\$ 30,000
Event Costs, incl extra cleaning	\$ 8,600	\$ 15,000	\$ 25,000
TOTAL PROGRAMMING COSTS	\$ 227,200	\$ 365,000	\$ 790,000
EXPENDITURE FIXED			
Utilities, Maintenance, Rates & Base Cleaning	\$ 38,878	\$ 50,000	\$ 50,000
Depreciation	\$ 155,000	\$ 324,000	\$ 324,000
TOTAL FIXED COSTS	\$ 193,878	\$ 374,000	\$ 374,000
TOTAL EXPENDITURE	\$ 421,078	\$ 739,000	\$ 1,164,000
OPERATING DEFICIT	-\$ 309,478	-\$ 554,000	-\$ 654,000
OPERATING DEFICIT excl depreciation and utilities	-\$ 115,600	-\$ 180,000	-\$ 280,000
NEW ROXY - PROPOSAL TO OUTSOURCE OPERATIONS AND FUND THE GAP			
Council Contribution for Services (lump sum)	Fee for Service or Subsidy	\$ 245,000	
Council Direct Sponsorship of Shows (separate occasions)	Requires application	\$ 35,000	
Council Covers Building Utilities, Maintenance, Rates and Base Cleaning	Council organises	\$ 50,000	
Council Covers Depreciation	Council organises	\$ 324,000	
TOTAL COUNCIL INVESTMENT INCL DEPRECIATION AND UTILITIES		\$ 654,000	

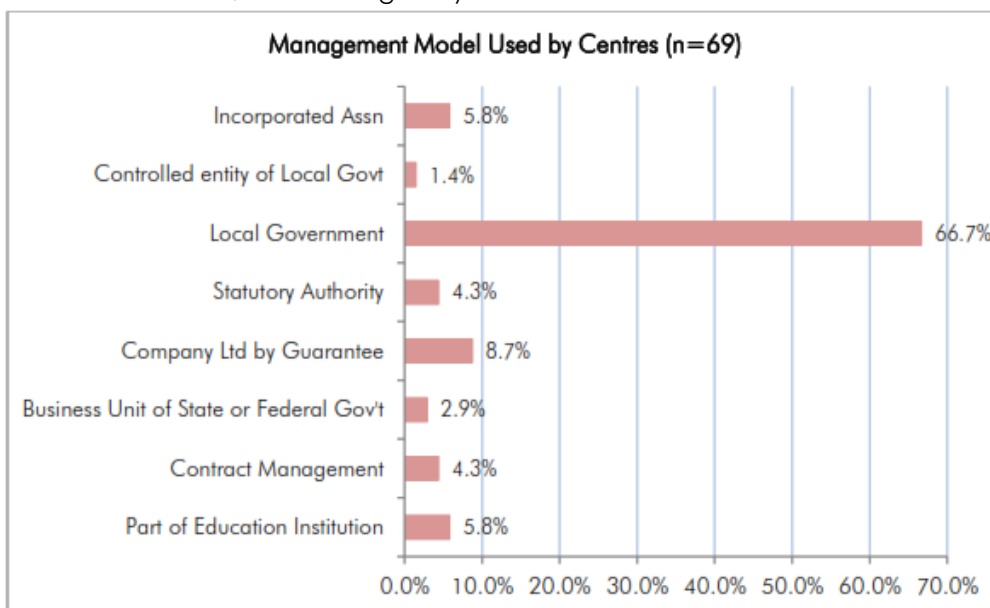
In total, the Activated Service Model suggests an annual investment by Council in Roxy Community Theatre Operations of \$654,000. Without depreciation, this represents a Council contribution of 39%. The value of depreciation – which is a non-cash item – is 28%.

Benchmarking

Performing Arts Connections Australia (PAC Australia) is the national peak body representing and supporting Australian performing arts presenters and creators. From time to time, they survey the sector. In the 2019 Economic Activity Report by PAC, it is clear that local government continues to play a significant role in the management and operational funding of performing arts centres, with 80.4% taking a leading role as the owners of performing arts infrastructure.



Of these around 40% are managed by entities other than the local Council.



PAC highlights the growing significance of entrepreneurial program activity to complement professional productions, linking it to the delivery of significant economic and community engagement and professional arts activity in regional communities. These include pre and post show discussion, workshops, masterclasses, participatory activities, readings, residencies etc.

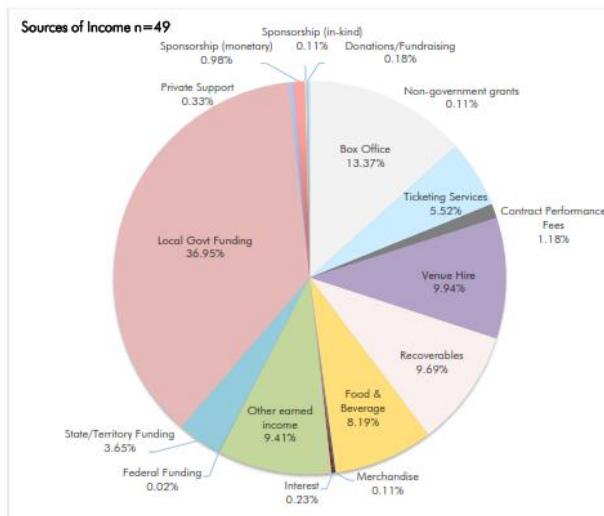
PAC reports that different financial structures are used for across the venues. They did however align the detailed data from 34 venues a found the following income and cost trends (see % in table below):

Financial Overview (n=34)		
INCOME		% age of Total
Box Office	\$16,932,266	14.35%
Ticketing Services	\$7,093,673	6.01%
Contract Performance Fees	\$1,657,374	1.40%
Venue Hire	\$11,825,552	10.02%
Recoverables	\$12,477,286	10.57%
Food & Beverage	\$10,871,108	9.21%
Merchandise	\$138,875	0.12%
Interest	\$331,246	0.28%
Other earned income	\$6,678,922	5.66%
Sub-total Earned income	\$68,006,302	57.64%
Federal Funding	\$20,000	0.02%
State/Territory Funding	\$4,805,180	4.07%
Local Govt Funding	\$43,471,424	36.84%
Sub-total Funding	\$48,296,604	40.93%
Private Support	\$0	0.00%
Sponsorship (monetary)	\$1,311,683	1.11%
Sponsorship (in-kind)	\$56,845	0.05%
Donations/Fundraising	\$182,886	0.15%
Non-government grants	\$139,043	0.12%
Sub-total Private Support	\$1,690,457	1.43%
TOTAL INCOME	\$117,993,363	
EXPENDITURE		
Labour costs	\$52,191,388	44.14%
Marketing/Promotions	\$5,205,698	4.40%
Show Purchases	\$11,523,545	9.75%
Program expenses	\$9,083,221	7.68%
Food & Beverage costs	\$5,114,177	4.32%
Administration	\$13,810,974	11.68%
Repairs & Maintenance	\$3,765,933	3.18%
Other Expenses	\$17,553,378	14.84%
TOTAL EXPENDITURE	\$118,248,314	
NET RESULT	(254,951)	

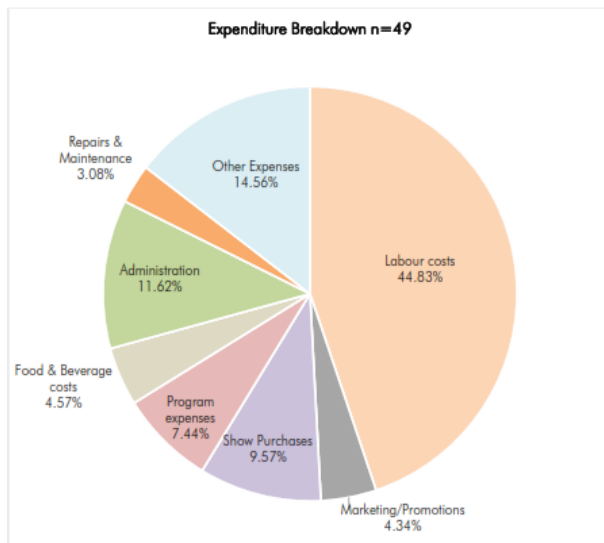
Further, a list of venue turnover (2019) is at (**Attachment 1**) in this report.

Not included in that attachment but of note is Griffith City Council's investment in the Griffith Regional Theatre at approximately \$950K (excluding depreciation) for 2022/23.

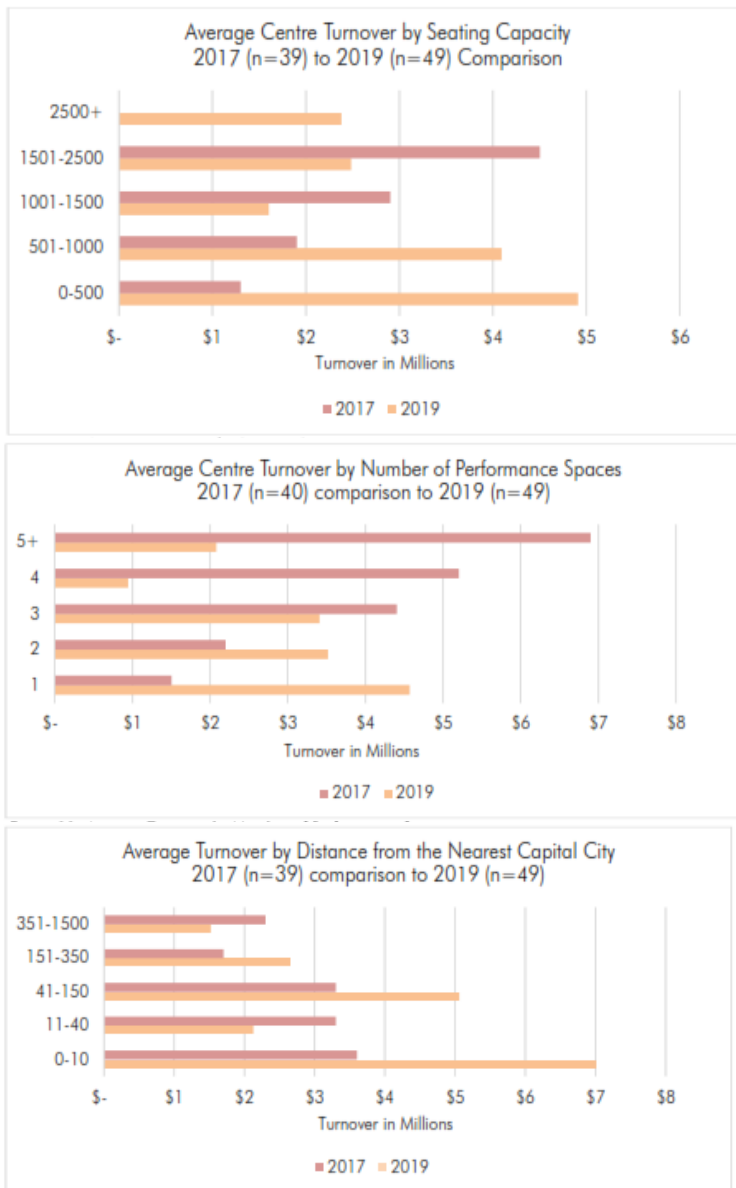
For venues with a turnover of \$0 - \$1M pa, PAC identified that the local government investment was 37.6% of income and for venues with turnover of \$1M - \$2M the local government investment was 54.7%.



PAC reports that the predominant expense from their survey respondents is labour, at close to 45%. For venues, professional performances account for 52% of performances and 48% are community performances (school productions, amateur performance groups, dance and drama training etc).



Other useful benchmarks are the average centre turnover by seating capacity; the average centre turnover by performance spaces; and the average centre turnover by distance from the nearest capital city:



Importantly, PAC confirms that performing arts venues are a valued stimulus for employment opportunities for artists, venue professionals and supporting industries such as hospitality. They also impress the impact of performing arts venues on livability and the return on investment generating artistic, social, and economic benefits.

Operating Structure Options

The additional cost to operate the redeveloped Roxy Community Theatre was always anticipated by Council – this is not a surprise. To close the operating funding gap for the refurbished Roxy Community Theatre, it had been, and is still being, proposed that a separate entity be established to operate the Roxy that is able to attract grants and donations not available to local government. Given nearly all

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theatres run at a loss, that entity would need to be not-for-profit and, ideally, a registered charity with the ACNC (Australian Charities and Not-For-Profit Commission).

Following legal advice (**Attachment 2** refers), Council cannot be directly involved in the set up and operations of a charitable entity without Ministerial approval. Gaining and maintaining Ministerial approval would require significant additional administration both in making application and then with ongoing reporting. It is therefore being recommended that Council instead seeks expressions of interest from external entities to undertake the day-to-day operations and programming, subject to a Service Level Agreement (or similar) that ensures that the needs of traditional Roxy Theatre user groups and community are also considered and catered to in the final arrangements.

Council's relationship with the entity would be via a Service Level Agreement (or similar) and a regular reporting and monitoring framework. The full details of these have yet to be established and would be negotiated with the entity selected to operate the Roxy.

(b) Discussion

Planning and budgeting for the future operations of the Roxy Theatre needs to commence now in anticipation of a service that will open in August 2023. Typically touring shows need to be booked 9 to 12 months out and it is important that the redeveloped Roxy is able to access these opportunities in order to deliver on the Vision for the new venue. Also, developing cultural content needs to commence soon in anticipation of a grand launch (which would be over and above the funding referenced in this report). Finally, very importantly, an ongoing relationship with NIDA needs to be cemented in now which requires extensive collaboration and engagement to secure their confidence through NIDA Connect.

To ascertain what entities, if any, might be interested to undertake the day-to-day operations and programming of the Roxy Theatre, it is proposed that Council calls for non-binding Expressions of Interest, supported by proposals.

Respondents will need to outline their plans to:

- Deliver the community's vision for the Roxy Community Theatre
- Outline their organisation's set up, governance and insurances
- Outline how they will cater to the needs and aspirations of traditional community users such as the Eisteddfod, Town Band, local schools etc
- Outline how they will implement a performing arts school for youth
- Outline their intentions for the café/bar
- Outline how the service will be funded, noting Council's anticipated annual contribution – if endorsed - of \$245K net (budget)
- Outline the credentials and experience of persons submitting the proposal as well as the credentials and experience of future staff

Before calling for Expressions of Interest, Council management will prepare a scope for endorsement by the Roxy Redevelopment Committee.

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Interested parties will have at least a month to prepare their responses, which will be reviewed by the Roxy Redevelopment Committee, with a recommendation to Council to be made by no later than the May 2023 Council meeting.

(c) Options

1. Council resolves to explore opportunities for outsourcing day-to-day Roxy operations and programming by calling for non-binding Expressions of Interest. **This is the preferred option.**
2. Council resolves to continue to operate the Roxy in-house (which will require additional staffing and investment if the full vision for the redeveloped facility is to be realised).

IMPLICATIONS TO BE ADDRESSED

(a) Financial

There is no direct financial implication as a result of this report and administering the call for, and review of, any Expressions of Interest will be via existing voted resources.

It should be noted however that, if resolved as recommended, Council will be signalling in the scope that, subject to final budget approval, it is likely to provide \$245K per annum net to the entity to deliver the service and that Council will cover the costs of all utilities (electricity, water, security, routine cleaning and routine general maintenance). There will also be an amount of \$35K per annum available for Council sponsorship of touring shows and special events at the Roxy (administered separately and assessed on a case-by-case basis).

If a successful outcome is achieved, Council will be able to deliver a greatly increased level of service without significantly increasing the Roxy day-to-day operations and programming budget.

(b) Policy

Council's Procurement Policy

(c) Legislative/Statutory

Local Government Act 1993
Local Government Award

Council has obligations to ensure that impacted staff are appropriately consulted. In the case of the Roxy Theatre, one staff member would be impacted if outsourcing operations of the Theatre programming operations was to proceed.

(d) Risk

- Risk that no parties apply – this is possible however the redevelopment of the theatre has enjoyed wide encouragement from the performing arts sector and, along with promotion of Council's emerging relationship with NIDA through the NIDA Connect program, it is anticipated that the opportunity to

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run the Roxy will have piqued the interest of suitable persons. Council will advertise the opportunity widely.

- Risk that the Business Case is unrealistic – the Activated Model has been loosely based on the work and experience of Rob Gebert who is an economist who works in the performing arts space and who provided Council guidance on operational costs when BBRF funding applications were being prepared. Also, the theatre's operational costs have been benchmarked against other similar theatres. Lastly, the Performing Arts Council (PAC) has benchmarked percentage costs for theatres for specific line items in budgets and the proposed budget generally reflects those benchmarks.
- Risk that philanthropic donations won't be realised – an entity outside of Council has greater opportunity to attract donations for vocational services at the Roxy than a local government organisation.
- Risk that costs for patrons and user groups will escalate, making attendance or participation unaffordable – the specification scope that will be prepared ahead of calling for EOs will ensure that traditional Roxy user group needs are heard and understood, and that any new service continues to deliver on the Shire's community obligation. There will be regular monitoring of the performance of any entity operating the Roxy if outsourcing does indeed proceed.

CONSULTATION

(a) External

Griffith City Council re Griffith Regional Theatre
Mildura Arts Centre
Rob Gebert Arts Consultancy
Craig Gamble Settling Line Theatre Consulting

(b) Internal

Roxy Redevelopment Committee

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

Under the Key Priority Area CSP FOCUS AREA 1 - A connected, inclusive and enriched community within Council's adopted Delivery Program/Operational Plan – DELIVERY PROGRAM FUNCTIONAL AREA 2 - Museum, Arts and Cultural Services - DELIVERY PROGRAM ACTIVITY 2.5 - Operate the Roxy Theatre, including: Completing the facility redevelopment; Setting up RIPA (Roxy Institute of Performing Arts); Collaborating with NIDA (National Institute of Dramatic Arts) - OPERATIONAL PLAN ACTIVITY 2.5.2 - Set up Roxy Institute of Performing Arts (RIPA)".

ATTACHMENTS

- 1 Source: excerpt from 2019 PAC Australia Economic Activity Report
- 2 Roxy Community Theatre Entity Analysis

ITEM 8.1.11. RESULTS OF THE LEETON SHIRE COUNCIL COMMUNITY SATISFACTION SURVEY 2024

AUTHOR/S: IP&R Coordinator

APPROVER/S: General Manager

SUMMARY/PURPOSE

The purpose of this report is to present to Council the findings of the 2024 Leeton Shire Council Community Satisfaction Survey.

RECOMMENDATION

THAT Council receives and notes for information the results of the Leeton Shire Council Community Satisfaction Survey 2024.

REPORT

(a) Background

Micromex Research and Consulting was first contracted to undertake a Community Satisfaction Survey in Leeton Shire in September 2019.

At that time, it was decided that Council should conduct a Community Satisfaction Survey around every two (2) years to track changes in community priorities and satisfaction over time. The data could then be used to ensure Council continued to address those issues of particular importance to the community.

Micromex was contracted in June 2021 and again in May 2024 to conduct follow-up surveys.

The latest survey, conducted via telephone (landline and mobile), was carried out during May 2024. A total of 400 residents completed the survey, providing an appropriate sample size for in-depth data analysis.

Micromex benchmarked the results of both Leeton Shire surveys against the results of Councils of a similar size (population and area) to give a true picture of Leeton Shire Council's performance.

(b) Discussion

As in previous years, the 2024 Community Satisfaction Survey focused on two (2) key areas:

1. Quality of Life – this included focusing on understanding community priorities for the Leeton Shire area, overall quality of life rating and identifying community agreement with statements around roads and transport, community safety, infrastructure/development, the natural environment and services/facilities.
2. Community Satisfaction – this included rating Council administration, elected Councillors, a range of services and facilities under the auspices of Council and identifying the local community's desired level of investment in a range of assets managed and maintained by Council.

So that comparisons between the results of the three (3) surveys could be made, similar questions were asked in 2024.

Micromex Managing Director Stuart Reeve presented the survey results at an August 2024 Councillor Workshop (during the caretaker period).

A snapshot of some of the results is provided below:

General survey responses

Some of the key results received from the survey included:

- **Quality of life in the LGA:** Ninety-four percent (94%), of those surveyed rated their quality of life in Leeton Shire as 'good' to 'excellent', Good (21%), Very Good (42%) or Excellent (30%) which is on par with 2021 and 2019. Encouragingly, this result is higher than the Regional Benchmark.
- **Overall satisfaction with Council's performance:** Seventy-eight percent (78%) of those surveyed were at least somewhat satisfied with the performance of Council administration (down from 94% in 2021).
- **Satisfaction with the elected body:** Eighty-three percent (83%) of those surveyed were at least somewhat satisfied with the performance of elected Councillors which has softened from 2021.
- **Satisfaction with customer service:** Eighty percent (80%) of those surveyed were at least somewhat satisfied with Council's customer service overall.
- **Highest satisfaction ratings:** As demonstrated by a higher rating out of five (5), residents were most satisfied with Council's provision of: library services (4.33); ovals, sportsgrounds and sporting facilities (4.24); cemeteries (4.21); parks (4.14); golf course (3.99); festivals and events programs (3.95); and support for the multicultural community (3.94).
- **Lowest satisfaction ratings:** As demonstrated by a lower rating out of five (5), residents were least satisfied with: local unsealed roads (2.87); Roxy Theatre (2.52); Council's efforts to advocate for water security, health services and housing (2.83); Council's ability to make good decisions (2.64); and Council's ability to demonstrate sound financial management (2.35).
- **Levels of importance:** When asked to rate levels of importance, respondents rated local sealed town roads (4.74) as being of most importance, followed by water supply services (4.72), parks (4.58), waste management including recycling and landfill (4.57) and cemeteries (4.56).
- **High levels of agreement:** When asked whether they agreed with a number of statements, the majority of respondents agreed that they feel safe during the day (90%), that Leeton Shire gives you a sense of living in community (85%), traffic systems provide for safe and efficient traffic flow (78%); people in Leeton Shire have fair opportunity to participate in community life (77%); and there is urban vitality and a good lifestyle quality in Leeton Shire communities (76%).

- **Low levels of agreement:** There were much lower levels of agreement with the statements: we have access to a good range of health services (21%), police services in Leeton Shire are responsive and effective (23%); public transport is adequate for needs (35%); weed incursions are adequately managed in the LGA (38%) and shops and services in shopping areas meet residents' needs (46%).
- **Most valued aspects:** Consistent with 2021, the sense of community, rural lifestyle and peacefulness/quiet atmosphere are the most valued aspects living in Leeton Shire. Noticeably, significantly more residents mentioned that there are more good employment and business opportunities compared to 2021.

For more information, see the Leeton Shire Council Community Satisfaction Results (**Attachment 1**).

Council will use the results of the survey in several ways. First, it will use the data to guide the development of a new Community Strategic Plan. Second, it will use the data to redirect resources towards improving community satisfaction with Council services and facilities that received the lowest satisfaction ratings. Third, it will use the data to advocate for improvements in services for which Council has no responsibility, but which are clearly of significance to the community. Policing and health care fall into this latter category.

(c) Options

Nil - this report is for information only.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The survey, data collation, benchmarking and regression analysis cost \$37,950, including GST.

(b) Policy

Nil

(c) Legislative/Statutory

Nil

(d) Risk

The survey results detail what Council is doing well and outlines some areas for improvement both from an advocacy and service delivery point of view. Council needs to be mindful that it puts in place appropriate actions to address identified areas of improvement.

CONSULTATION

(a) External

A total of 400 resident interviews were completed. Respondents were selected by means of a computer based random selection process using Australian marketing lists, Sample Pages, List Brokers and Lead Lists.

Council thanks everyone who took the time to participate.

A copy of the Leeton Shire Council Community Satisfaction Survey Results report will be available via Council's website so that residents have the opportunity to access and review the full survey findings.

(b) Internal

Senior Management Team

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.3 Provide respected and effective representation, leadership and advocacy

9.2 Undertake authentic community engagement

9.2.1 Run an active community engagement program

ATTACHMENTS

Attachment - Micromex Survey Results



Leeton Shire Council

Community Research

Prepared by: Micromex Research
Date: July 2024





Research Objectives

Leeton Shire Council commissioned Micromex Research to conduct a random telephone survey with residents living in the Leeton Shire local government area (LGA).

Objectives (Why?)

- Understand and identify residents' perceived quality of life and overall satisfaction with Council and Councillors
- Identify the community's level of satisfaction with services and facilities provided by Leeton Shire Council
- Explore community priorities and their preference of asset management

Sample (How?)

- Telephone survey (landline N=103 and mobile N=297) to N=400 residents
- We use a 5-point scale (e.g. 1 = not at all satisfied, 5 = very satisfied)
- Greatest margin of error +/- 4.9%

Timing (When?)

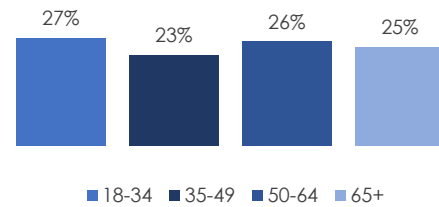
- Implementation 13th May – 02nd June 2024

Sample Profile

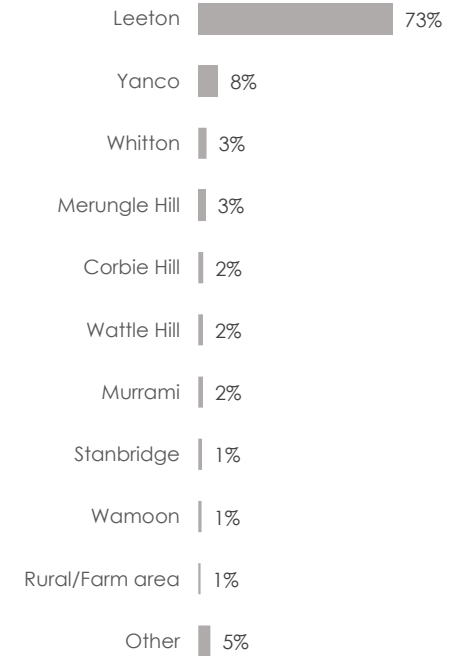
Gender



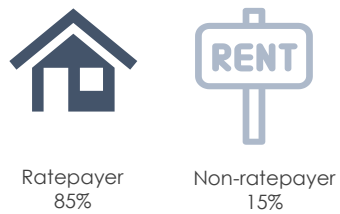
Age



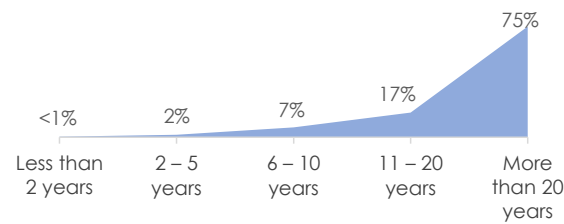
Ward



Ratepayer status



Time lived in the area



Base: N = 400

The sample was weighted by age and gender to reflect the 2021 ABS Census data for Leeton Shire Council area. 3



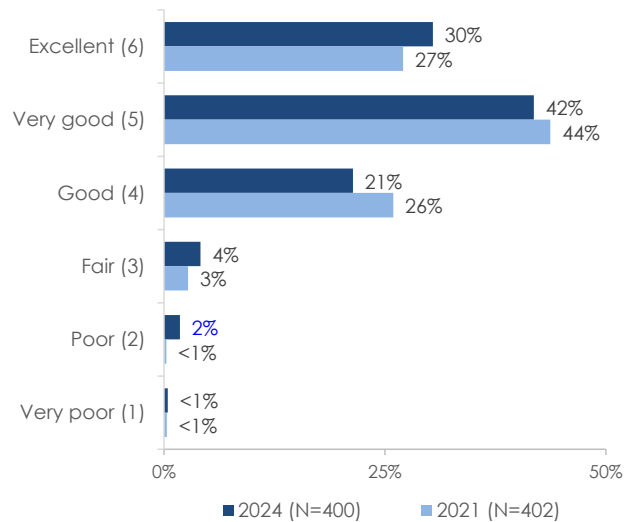
Living in Leeton Shire

Quality of Life

94% of residents rated their quality of life as 'good' to 'excellent', which is on par with 2021 and 2019.

Encouragingly, this result is higher than our Regional Benchmark.

There are no significant differentiations between demographic groups.



	2024	2021	2019
T3B	94%	97%	91%
Mean rating	4.94	4.94	4.85
Base	400	402	401

	Leeton Shire Council	Micromex LGA Benchmark - Regional
T3B	94%	91%
Mean rating	4.94	4.84
Base	400	18,295

	Overall 2024	Gender		Age			
		Male	Female	18-34	35-49	50-64	65+
T3B	94%	94%	93%	93%	92%	92%	97%
Mean rating	4.94	4.97	4.91	4.91	4.90	4.87	5.07
Base	400	196	204	107	91	104	98

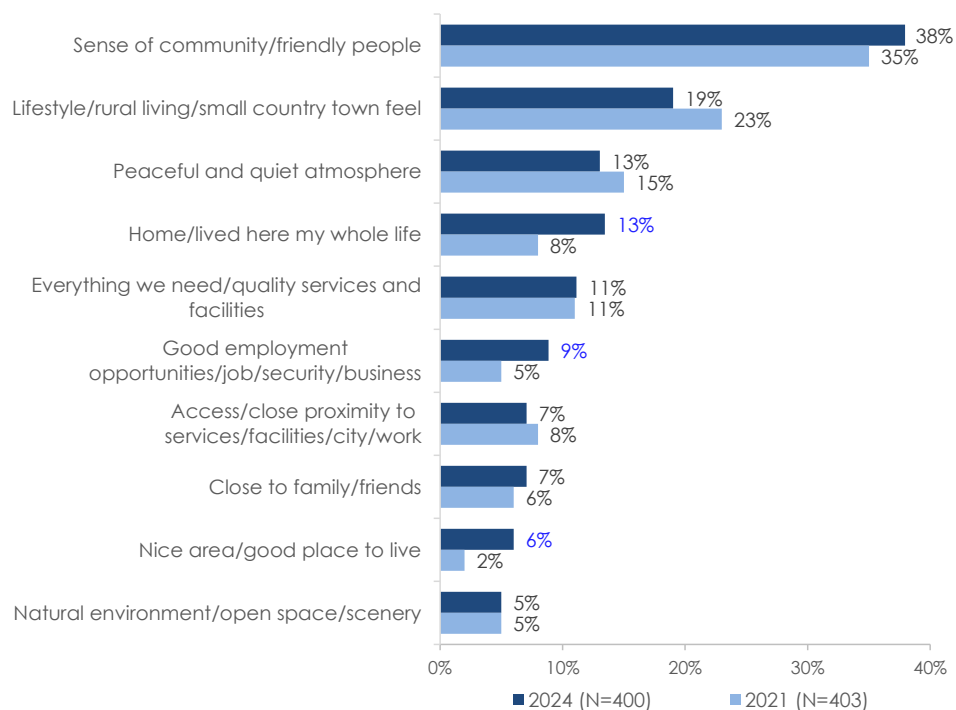
	Ratepayer status		Location		Time lived in area		
	Ratepayer	Non-ratepayer	Leeton	Other location	10 years or less	11-20 years	More than 20 years
T3B	93%	97%	94%	92%	92%	90%	95%
Mean rating	4.97	4.77	4.96	4.87	4.86	4.95	4.94
Base	341	59	293	107	35	67	298

Q2. Overall, how would you rate the quality of life you have living in the Leeton Shire?

Scale: 1 = very poor, 6 = excellent
 A significantly higher/lower percentage/rating (compared to 2021)

Most Valued Aspects

Consistent with 2021, the sense of community, rural lifestyle and peacefulness/quiet atmosphere are the most valued aspects living in Leeton Shire. Noticeably, significantly more residents mentioned that there are more good employment and business opportunities compared to 2021.



Example Verbatim Comments:

"People help and look out for one another"

"It is a rural area – but a mixture of rural and towns nearby for facilities"

"I was born and bred here – I own my own home and I'm very happy"

"Nice and quiet, beautiful area where I live"

"Easy access to shops and services"

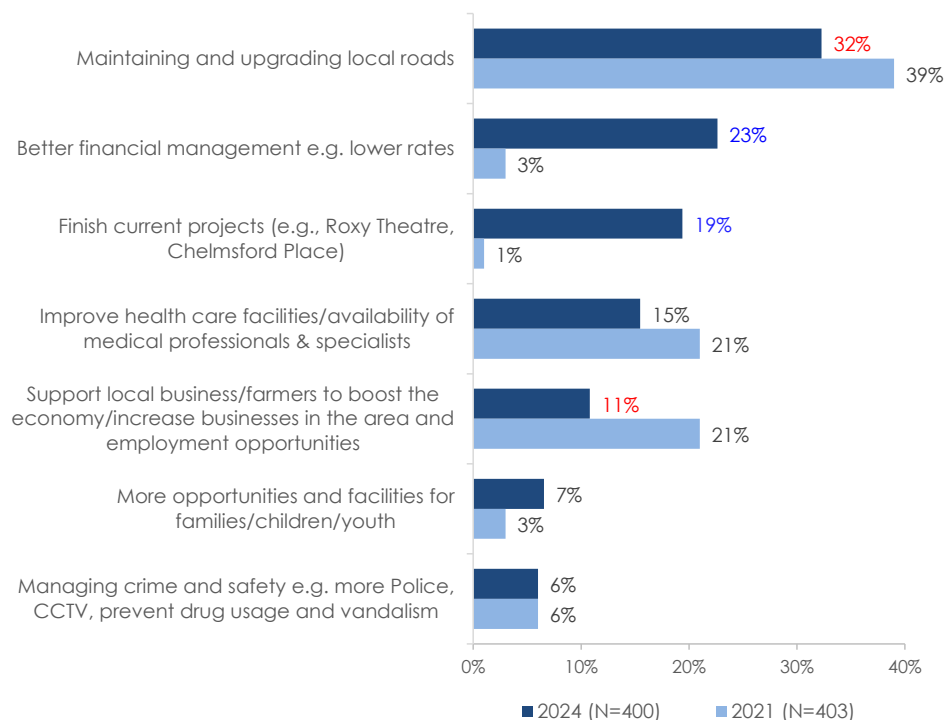
"Plenty of work opportunities if prepared to work"

Q1a. What do you value most about living in the Leeton Shire region?

Please see Appendix 1 for the full list of results
 A significantly higher/lower percentage (by year) 6

Priority Issues for Leeton Shire LGA in the Next 4 Years

Although maintaining and upgrading local roads remains the top-of-mind priority in the eyes of residents, significantly more mentioned better financial management and 'finishing current projects'. Based on residents' verbatim comments, the significant increase in financial management issues was mainly due to the recent rate increase, overspending on unnecessary projects (e.g., Roxy Theatre) and inequity in the investment across different locations and service areas. While unfinished projects like Chelmsford Place and Roxy Theatre caused the surge in complaints about finishing current projects.



Example Verbatim Comments:

- "Better maintenance of local roads"
- "Reduce our water fees. Was \$1.00 kilo-litre now \$4.00 kilo-litre"
- "Maintain low rate increases by conservative budgeting"
- "Finishing the projects first before starting another!"
- "Health care services - Difficult to make a doctors appointment. There is no hospital"
- "Bringing in new businesses to the area"

Q1b. What do you think the priorities should be for Leeton Shire Council over the next 4 years?

Please see Appendix 1 for the full list of results
 A significantly higher/lower percentage (by year) 7

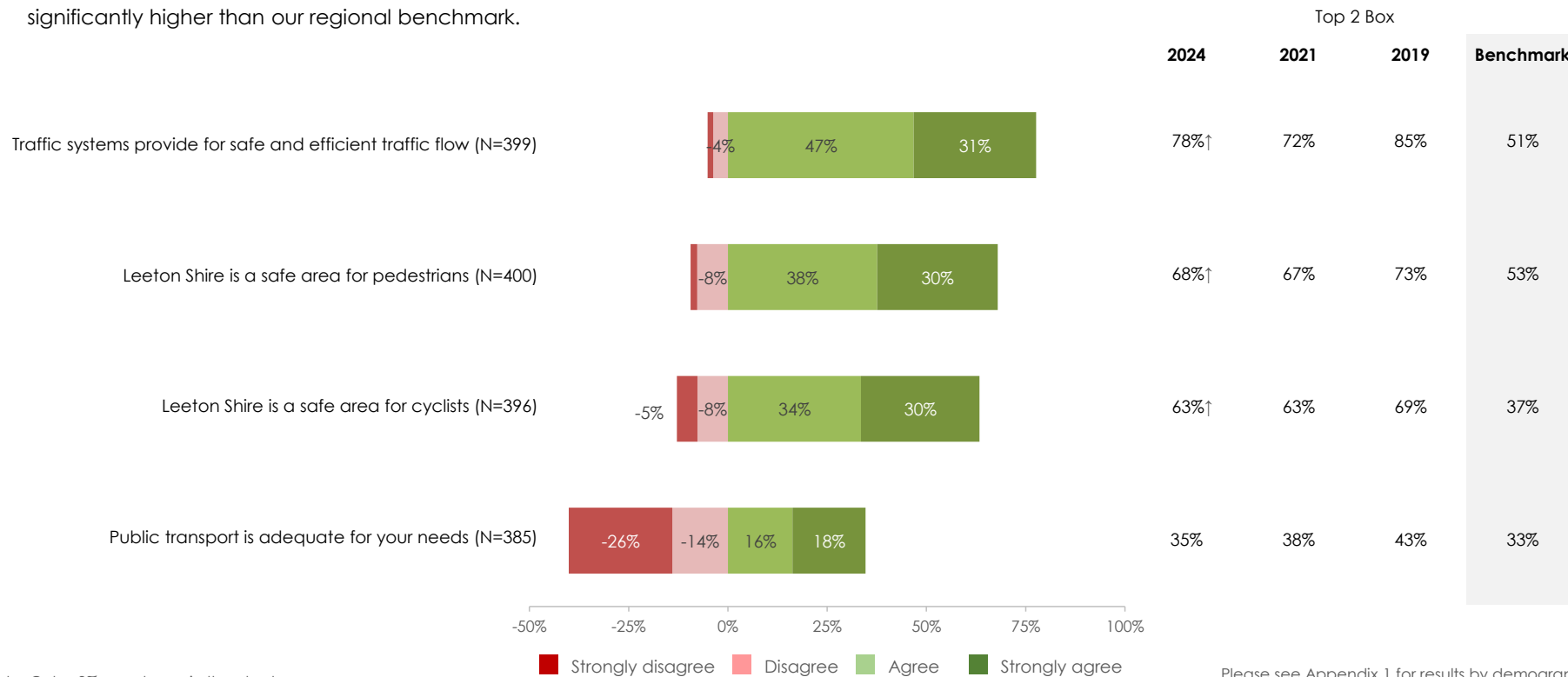


Community Priorities and Asset Management



Community Priorities – Road and Transport

Consistent with 2021, 'traffic systems provide for safe and efficient traffic flow' received the highest agreement score (78%) under the roads and transport pillar, while there is still room for improvement in public transport. Encouragingly, the agreement of safety for pedestrians and cyclists around Leeton is significantly higher than our regional benchmark.



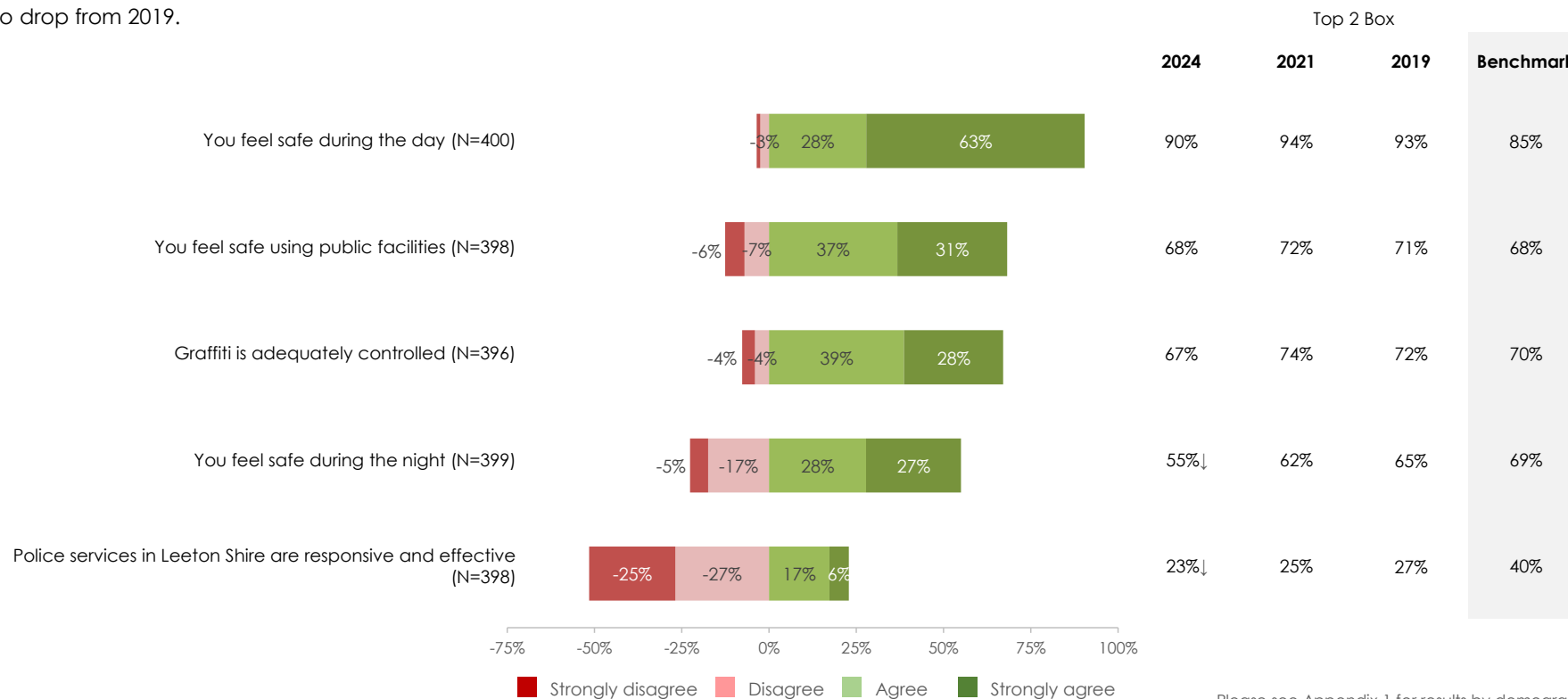
Note: Only >3% was shown in the chart

Q7. In this section I will read out a number of statements. For each of these could you please indicate your level of agreement with each statement?

Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
 ↑/↓ = positive/negative difference equal to/greater than 10% from Benchmark.

Community Priorities – Community Safety

90% of residents feel safe during the day, while only 55% feel safe during the night (significantly lower than benchmark). Further, 52% disagree that police services in Leeton Shire are responsive and effective. Noticeably, all safety measures have dropped, with safety at night and response of police continuing to drop from 2019.



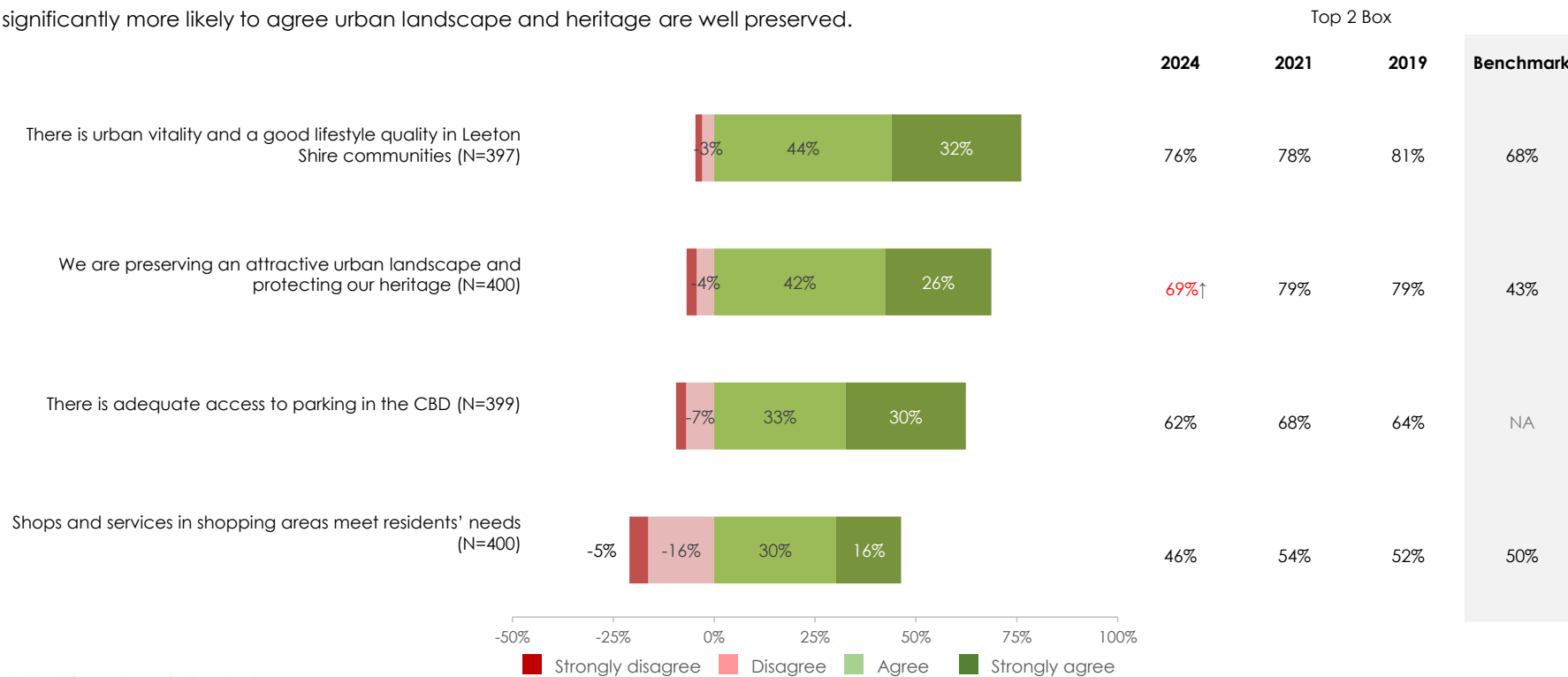
Note: Only >3% was shown in the chart

Q7. In this section I will read out a number of statements. For each of these could you please indicate your level of agreement with each statement?

Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
 ↑/↓ = positive/negative difference equal to/greater than 10% from Benchmark.

Community Priorities – Infrastructure and Development

3 out of 4 measures under infrastructure and development pillar received at least 60% agreement scores. Although the agreement of urban landscape and heritage preservation softened from 2021, the agreement score is still significantly higher than regional benchmark. Those living in Leeton are significantly more likely to agree urban landscape and heritage are well preserved.



Note: Only >3% was shown in the chart

A significantly higher/lower percentage (compared to 2021)

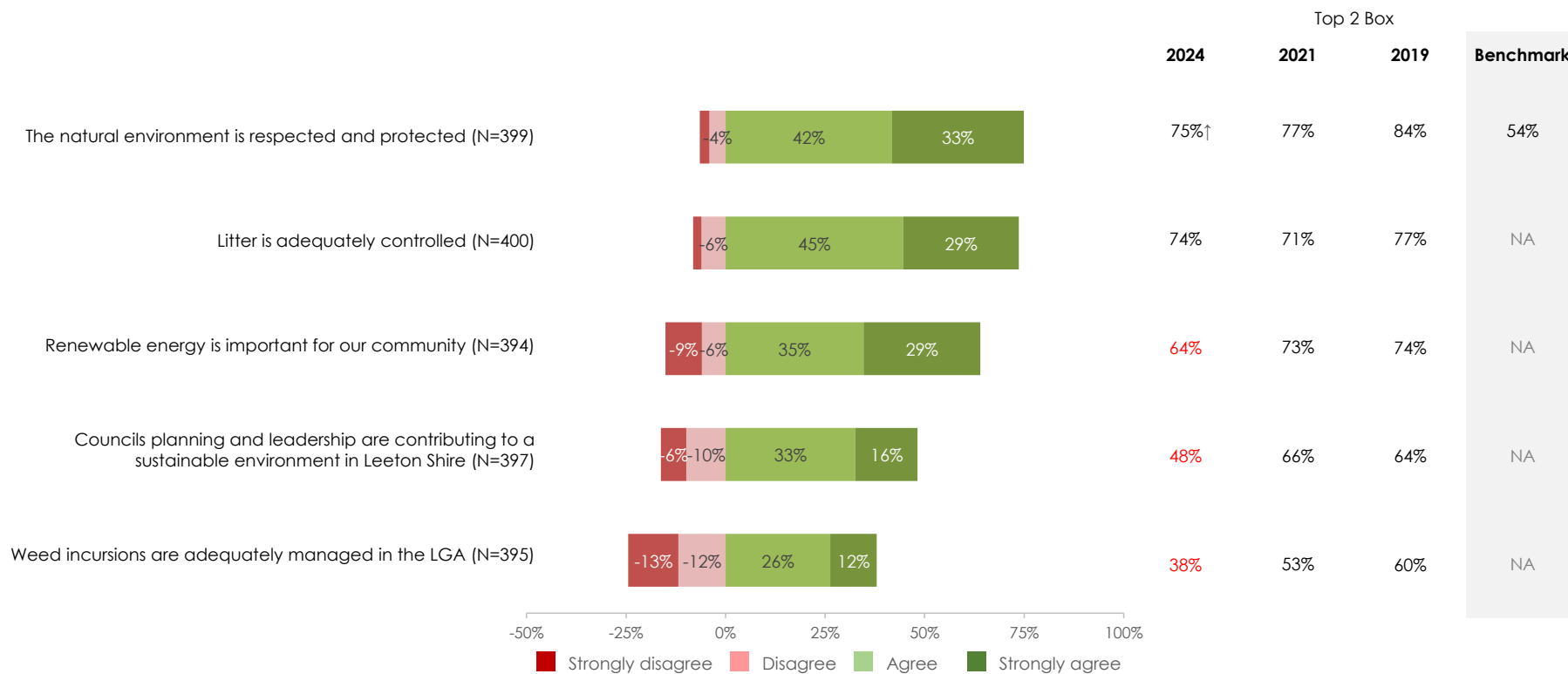
Q7. In this section I will read out a number of statements. For each of these could you please indicate your level of agreement with each statement?

Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
 ↑/↓ = positive/negative difference equal to/greater than 10% from Benchmark.

Please see Appendix 1 for results by demographics

Community Priorities – The Natural Environment

3 out of 5 measures under the natural environment pillar received significantly lower agreement scores compared to 2021, two of which pertain to sustainability. However, although the agreement score for the environmental protection softened from 2021, it is still significantly higher than the benchmark.



Note: Only >3% was shown in the chart

A significantly higher/lower percentage (compared to 2021)

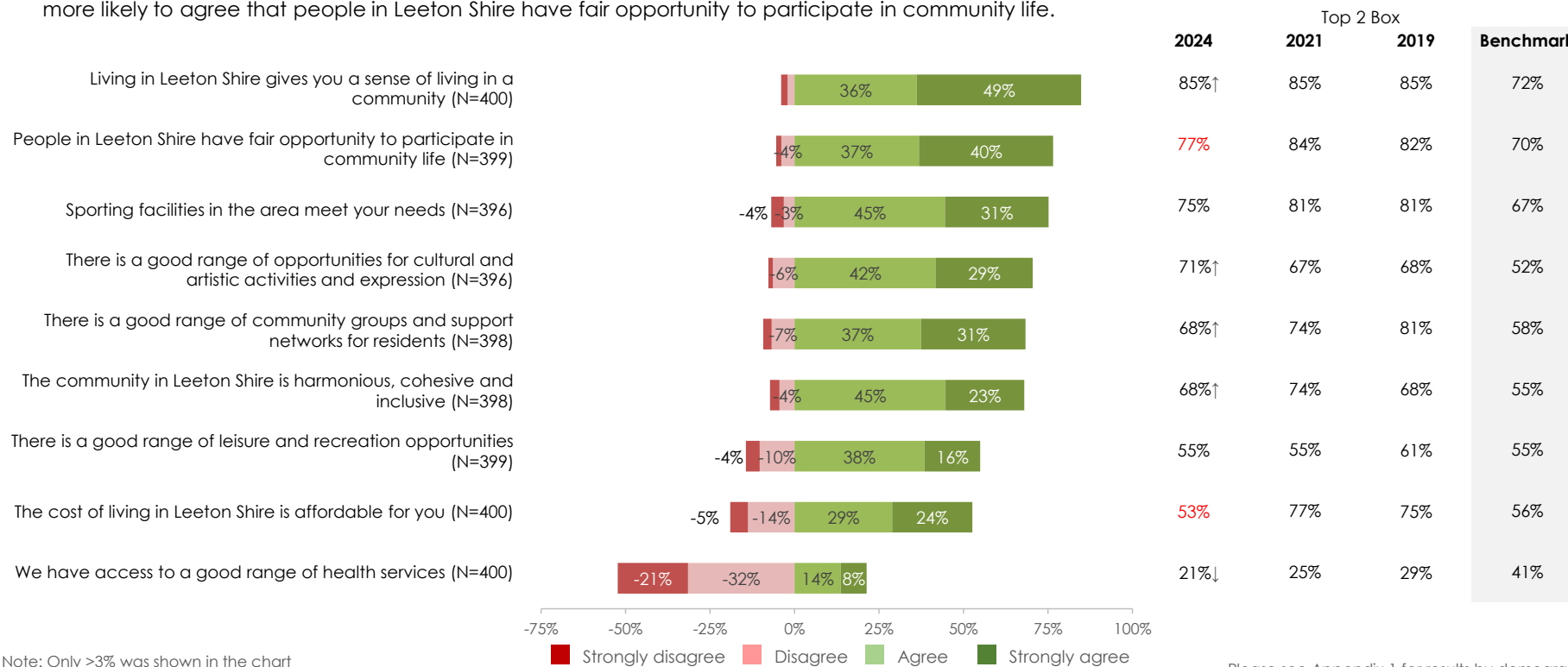
Q7. In this section I will read out a number of statements. For each of these could you please indicate your level of agreement with each statement?

Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
 ↑/↓ = positive/negative difference equal to/greater than 10% from Benchmark.

Please see Appendix 1 for results by demographics

Community Priorities – Services and Facilities

Encouragingly, 4 out of 9 measures received significantly higher agreement scores compared to the benchmark. However, there was a significant decline in agreement regarding fair opportunities for participating in community life and the affordability of the cost of living compared to 2021. Ratepayers are more likely to agree that people in Leeton Shire have fair opportunity to participate in community life.



Note: Only >3% was shown in the chart

A significantly higher/lower percentage (compared to 2021)

Q7. In this section I will read out a number of statements. For each of these could you please indicate your level of agreement with each statement?

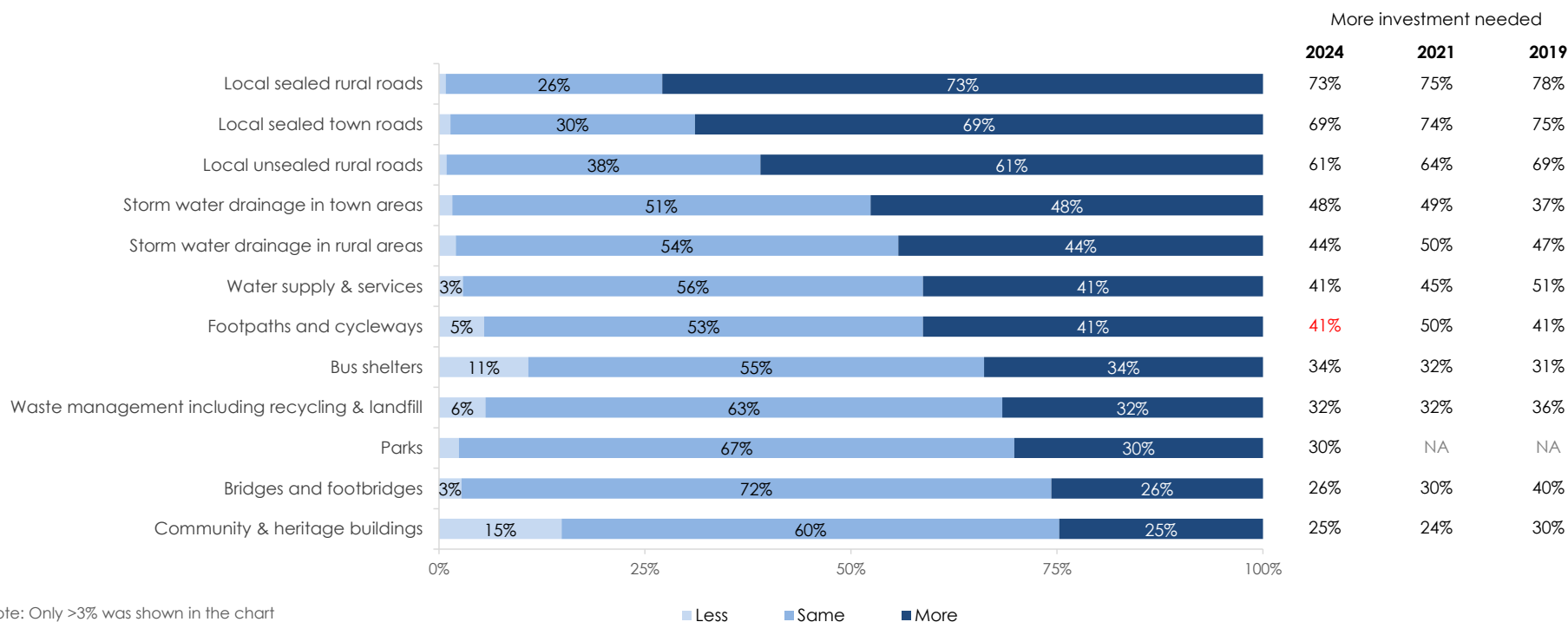
Legend: Strongly disagree (dark red), Disagree (light red), Agree (light green), Strongly agree (dark green)

Note: Benchmark differences are based on assumed variants of +/- 10%, with variants beyond +/- 10% more likely to be significant
 ↑/↓ = positive/negative difference equal to/greater than 10% from Benchmark.

Please see Appendix 1 for results by demographics

Asset Management

Roads have remained the first priority that needs more investment in the eyes of residents since 2019 (with more than 60% stating more investment needed). Following roads, more than 40% of residents stated that storm water drainage, water services/supply and footpaths and cycleways also need more investment. Noticeably, although 41% still thought more investment should be allocated to footpaths and cycleways, it has significantly decreased since 2021. Those living in Leeton are significantly more likely to mention that footpaths and cycleways need more investment.



Note: Only >3% was shown in the chart

Less Same More

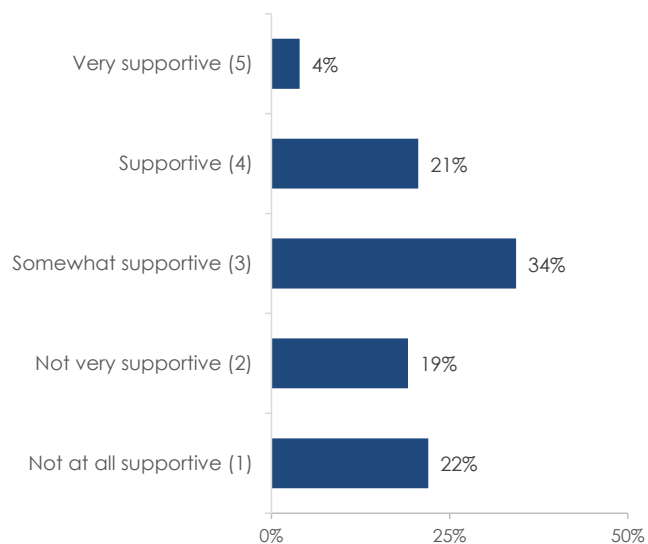
Q4. Thinking of the following types of Council assets, for each one could you please specify whether Council should invest less, the same, or more than they currently spend on/resource for each.

A significantly higher/lower percentage (compared to 2021)

Please see Appendix 1 for results by demographics 14

Support of Paying More for Service Levels to be Maintained

Nearly 60% of residents are at least somewhat supportive of paying more to ensure the levels of service are maintained, with a quarter (25%) being supportive/very supportive. Older residents (50+) are significantly more likely to be supportive.



	Overall 2024	Gender		Age			
		Male	Female	18-34	35-49	50-64	65+
T3B (at least somewhat supportive)	59%	56%	61%	46%	47%	69%	73%
T2B (supportive + very supportive)	25%	28%	22%	24%	11%	29%	33%
Mean rating	2.65	2.65	2.66	2.41	2.31	2.91	2.97
Base	400	196	204	107	91	104	98

	Ratepayer status		Location		Time lived in area		
	Ratepayer	Non-ratepayer	Leeton	Other location	10 years or less	11-20 years	More than 20 years
T3B (at least somewhat supportive)	58%	63%	61%	54%	54%	61%	59%
T2B (supportive + very supportive)	25%	23%	25%	22%	22%	30%	24%
Mean rating	2.64	2.72	2.72	2.47	2.68	2.76	2.63
Base	341	59	293	107	35	67	298

Base: N=400

Q8a. How supportive would you be to potentially pay more to ensure current levels of service are maintained?

Scale: 1 = not at all supportive, 5 = very supportive
 A significantly higher/lower percentage/rating (by group)

Reasons for the Level of Support

41% of residents are not supportive of paying more to maintain current level of services, where 14% of them commented that 'rates are already very high', 12% mentioned it would be unaffordable due to the rising cost of living, and 11% stated that Council needs better financial management. On the other hand, a quarter of residents are supportive of paying more, with most of the reasons centred on maintaining current services and improve the area/services.

Supportive/very supportive (25%)	Total %	Somewhat supportive (34%)	Total %	Not at all supportive/not very supportive (41%)	Total %
Maintain current services/ensure all needs are met	9%	Unaffordable as cost of living increases	9%	Rates are already very high	14%
To improve Leeton/get better services	5%	Rates are already very high	9%	Unaffordable as cost of living increases	12%
Benefit our community	5%	Council needs better financial management	6%	Council needs better financial management	11%
Rate increase is inevitable	4%	Need better services/ facilities	5%	Need better services/ facilities	9%
Council has been doing a great job	1%	Unsure about how much the increase would be or where the money would go	4%	Council didn't do their jobs properly/ Council needs do more	6%
Happy to support if the amount is reasonable/ it is spent properly	1%	Unfinished projects/ spending too much on trivial projects	3%	Unfinished projects/ spending too much on trivial projects	4%
To support Council	1%	Improve council transparency/ communication	2%	Improve council transparency/ communication	3%
Unaffordable as cost of living increases	1%	Happy to pay more for services, town growth and community support	1%	No support for rural area	1%
Council needs better financial management	1%	Happy to pay more as Council has been doing great jobs	<1%	Other	1%
Nothing/don't know	1%	Council didn't do their jobs properly/ Council needs do more	<1%	Nothing/don't know	2%
		Lack of farming support	<1%		
		No need to pay more	<1%		
		Other	2%		
		Nothing/don't know	3%		

Q8a. How supportive would you be to potentially pay more to ensure current levels of service are maintained?
 Q8b. Why do you say that?

Reasons for the Level of Support

Example verbatims

<p>Maintain current services/ ensure all needs are met</p> <p>"If the quality is maintained, then I would be supportive of paying more"</p> <p>"To maintain what we already have and make it better"</p>	<p>To improve Leeton/ get better services</p> <p>"Important to support the community and the town"</p> <p>"Like to see the town progress"</p>	<p>Rates are already very high</p> <p>"Rates are expensive enough"</p> <p>"Pay enough in rates and utilities and home care services already"</p>	<p>Unaffordable as cost of living increases</p> <p>"Everything seems to be going up as it is"</p> <p>"People are struggling financially"</p>
<p>Benefit our community</p> <p>"Leeton has to go ahead, and the community has to help contribute to this"</p> <p>"As a community we still need to grow, so if we want facilities, we have to pay for them"</p>	<p>Rate increase is inevitable</p> <p>"I understand because grocery prices have gone up, petrol and diesel have gone up"</p> <p>"Everything is starting to cost more, so this also is"</p>	<p>Council needs better financial management</p> <p>"Council can find better ways of managing their finances"</p> <p>"Council has made too many poor financial decisions"</p>	<p>Need better services/ facilities</p> <p>"Council doesn't provide the services we need"</p> <p>"Residents pay an excessive amount for minimal services compared to other cities"</p>

Q8a. How supportive would you be to potentially pay more to ensure current levels of service are maintained?
 Q8b. Why do you say that?

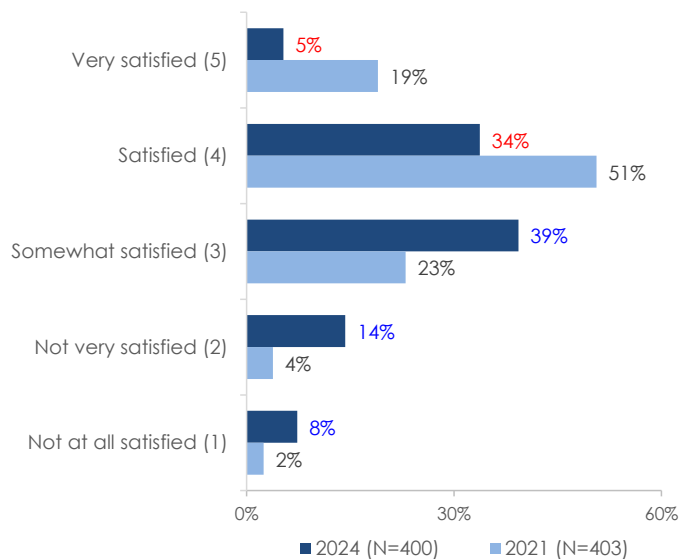


Performance of Council



Overall Satisfaction with Council

78% of residents are at least somewhat satisfied with the performance of Council in the past 12 months, which has softened from 2021. This is likely attributed to the financial management issues based on Q1b (this was also validated in Slides 33-36).



	2024	2021	2019
T3B	78%	94%	92%
Mean rating	3.15	3.81	3.74
Base	400	403	401

	Leeton Shire Council	Micromex LGA Benchmark - Regional
T3B	78%	82%
Mean rating	3.15	3.31
Base	400	53,020

	Overall 2024	Gender		Age			
		Male	Female	18-34	35-49	50-64	65+
T3B	78%	80%	77%	84%	68%	77%	83%
Mean rating	3.15	3.13	3.18	3.14	2.90	3.13	3.43
Base	400	196	204	107	91	104	98

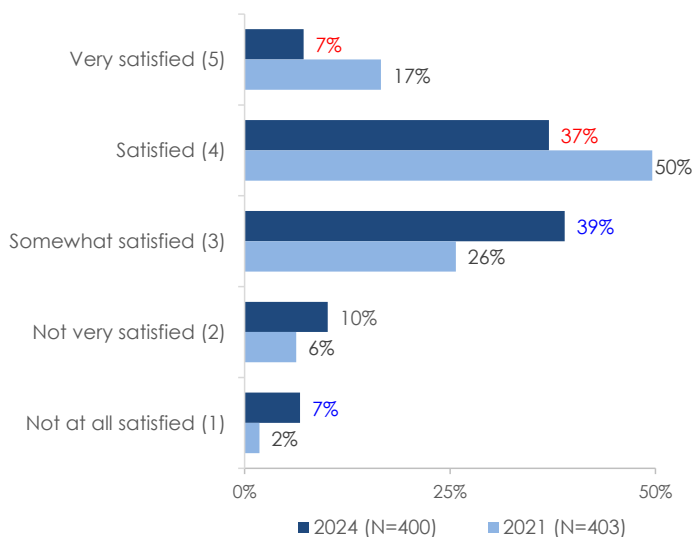
	Ratepayer status		Location		Time lived in area		
	Ratepayer	Non-ratepayer	Leeton	Other location	10 years or less	11-20 years	More than 20 years
T3B	77%	86%	79%	76%	75%	85%	77%
Mean rating	3.12	3.34	3.20	3.03	3.17	3.27	3.13
Base	341	59	293	107	35	67	298

Q5. Overall, for the last 12 months, how satisfied are you with the performance of Council administration, not just on one or two issues, but across all responsibility areas?

Scale: 1 = not at all satisfied, 5 = very satisfied
 A significantly higher/lower percentage/rating (compared to 2021/ by group) 19

Satisfaction with the Performance of Councillors

83% of residents are at least somewhat satisfied with the performance of Councillors, which has softened from 2021.



	2024	2021	2019
T3B	83%	92%	93%
Mean rating	3.28	3.73	3.70
Base	400	403	401

	Overall 2024	Gender		Age			
		Male	Female	18-34	35-49	50-64	65+
T3B	83%	85%	81%	90%	72%	87%	82%
Mean rating	3.28	3.28	3.28	3.31	2.96	3.36	3.45
Base	400	196	204	107	91	104	98

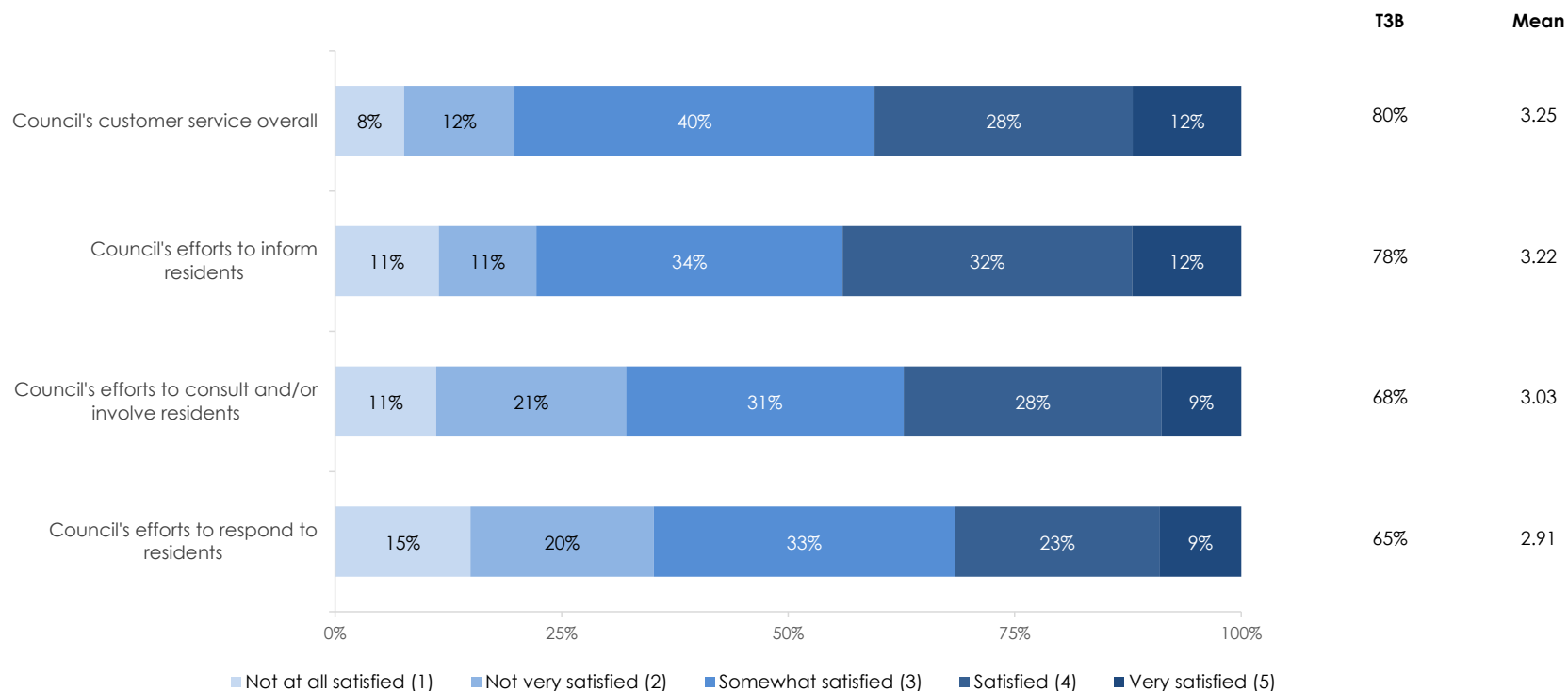
	Ratepayer status		Location		Time lived in area		
	Ratepayer	Non-ratepayer	Leeton	Other location	10 years or less	11-20 years	More than 20 years
T3B	83%	85%	84%	80%	89%	82%	83%
Mean rating	3.27	3.33	3.33	3.13	3.49	3.23	3.26
Base	341	59	293	107	35	67	298

Q6a. Thinking overall about the elected Councillors, how satisfied are you with their performance?

Scale: 1 = not at all satisfied, 5 = very satisfied
 A significantly higher/lower percentage/rating (compared to 2021/ by group) 20

Satisfaction with Communication & Customer Service

80% of residents are at least somewhat satisfied with Council's customer service overall. However, there is still room for improvement in responding and consulting/ involving residents. Older residents (50+) were more likely to be satisfied with communication efforts from Council.



Base: N = 400

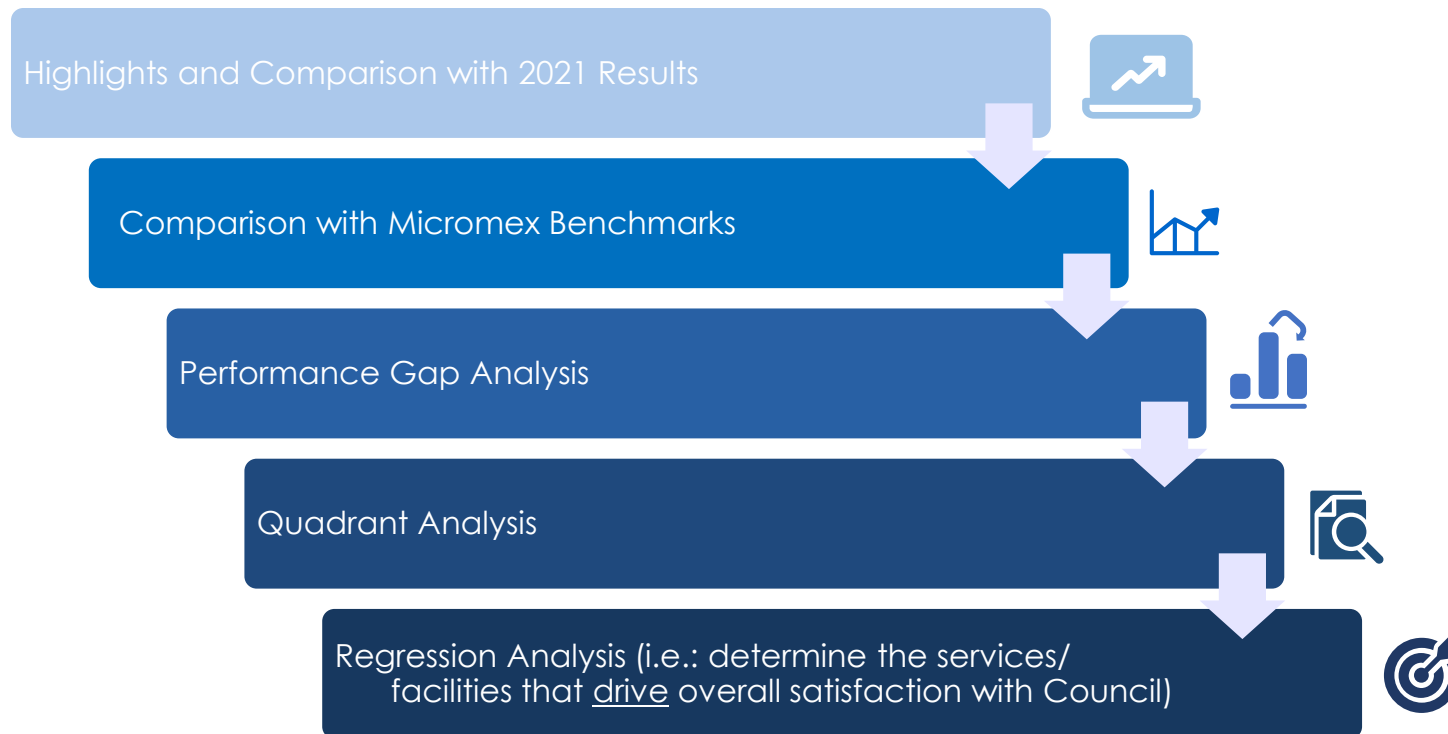
Q6b. Can you please rate the following criteria regarding Council's efforts to communicate with residents?

Scale: 1 = not at all satisfied, 5 = very satisfied
 Please see Appendix 1 for results by demographics 21

Council Services and Facilities

A major component of the 2024 Community Survey was to assess perceived Importance of, and Satisfaction with 37 Council-provided services and facilities – the equivalent of 74 separate questions!

We have utilised the following techniques to summarise and analyse these 74 questions:



Importance & Satisfaction – Highest/Lowest Rated Services/Facilities

The analysis below identifies the highest and lowest rated services/facilities in terms of importance and satisfaction.

Importance

The following services/facilities received the highest T2 box importance ratings:

Higher importance	T2 Box	Mean
Local sealed town roads	94%	4.74
Water supply & services	94%	4.72
Parks	93%	4.58
Waste management including recycling & landfill	91%	4.57
Cemeteries	90%	4.56

The following services/facilities received the lowest T2 box importance ratings:

Lower importance	T2 Box	Mean
Public art	35%	3.04
Museums	54%	3.49
Golf course	57%	3.55
Halls and Multipurpose Centre	61%	3.72
Bus shelters	62%	3.71

T2B = important/very important
 Scale: 1 = not at all important, 5 = very important

Satisfaction

The following services/facilities received the highest T3 box satisfaction ratings:

Higher satisfaction	T3 Box	Mean
Library services	99%	4.33
Parks	98%	4.14
Golf course	97%	3.99
Ovals, sportsgrounds and sporting facilities	96%	4.24
Cemeteries	96%	4.21
Support for the multicultural community	96%	3.94

The following services/facilities received the lowest T3 box satisfaction ratings:

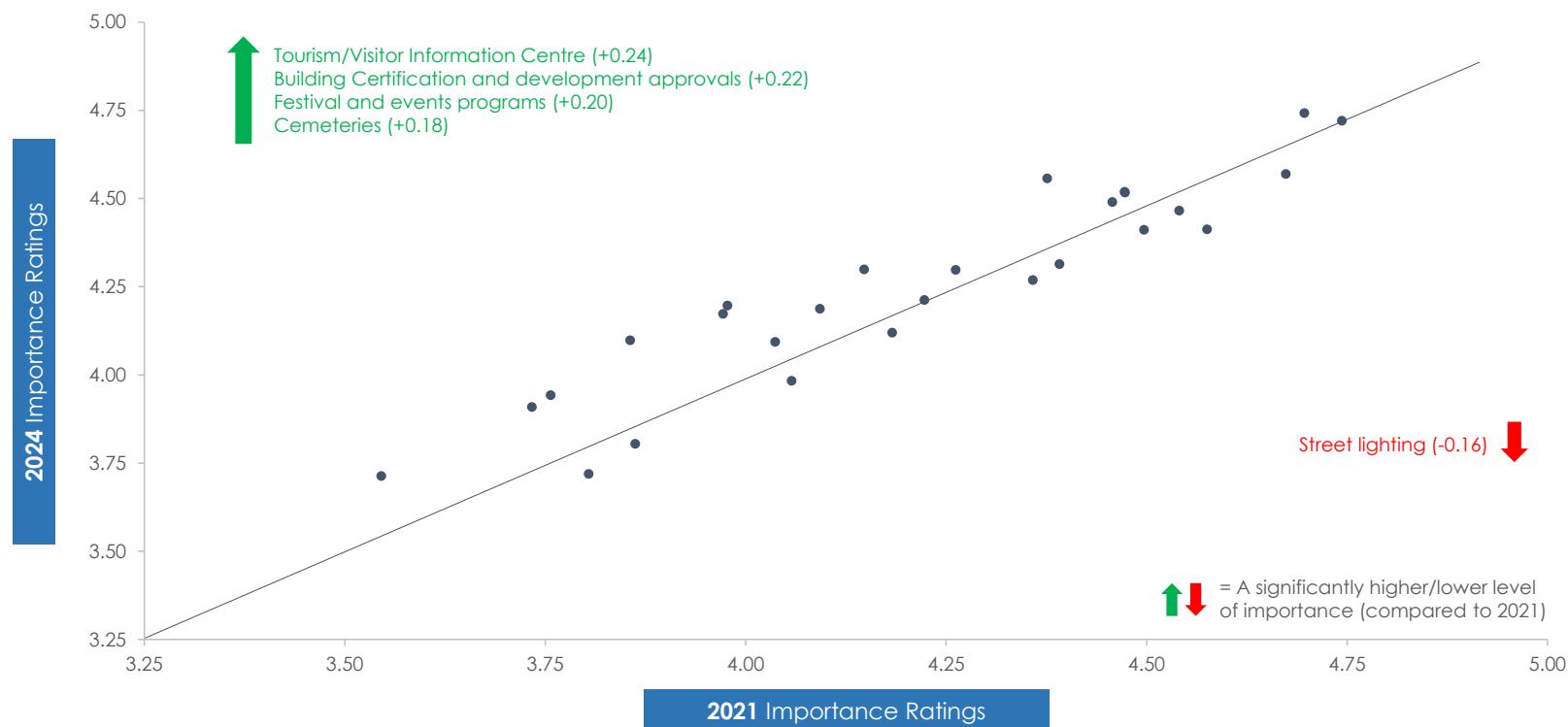
Lower satisfaction	T3 Box	Mean
Council's ability to demonstrate sound financial management	44%	2.35
Roxy Theatre	47%	2.52
Council's ability to make good decisions	56%	2.64
Council's efforts to advocate for water security, health services and housing	63%	2.83
Local unsealed rural roads	68%	2.87

T3B = somewhat satisfied/satisfied/very satisfied
 Scale: 1 = not at all satisfied, 5 = very satisfied

Services and Facilities – Importance: Comparison by Year

The below chart compares the mean importance ratings for 2024 vs 2021.

Importance significantly increased for 4 of the 27 comparable services and facilities, and the importance decreased significantly for 1 of the 27 services and facilities.

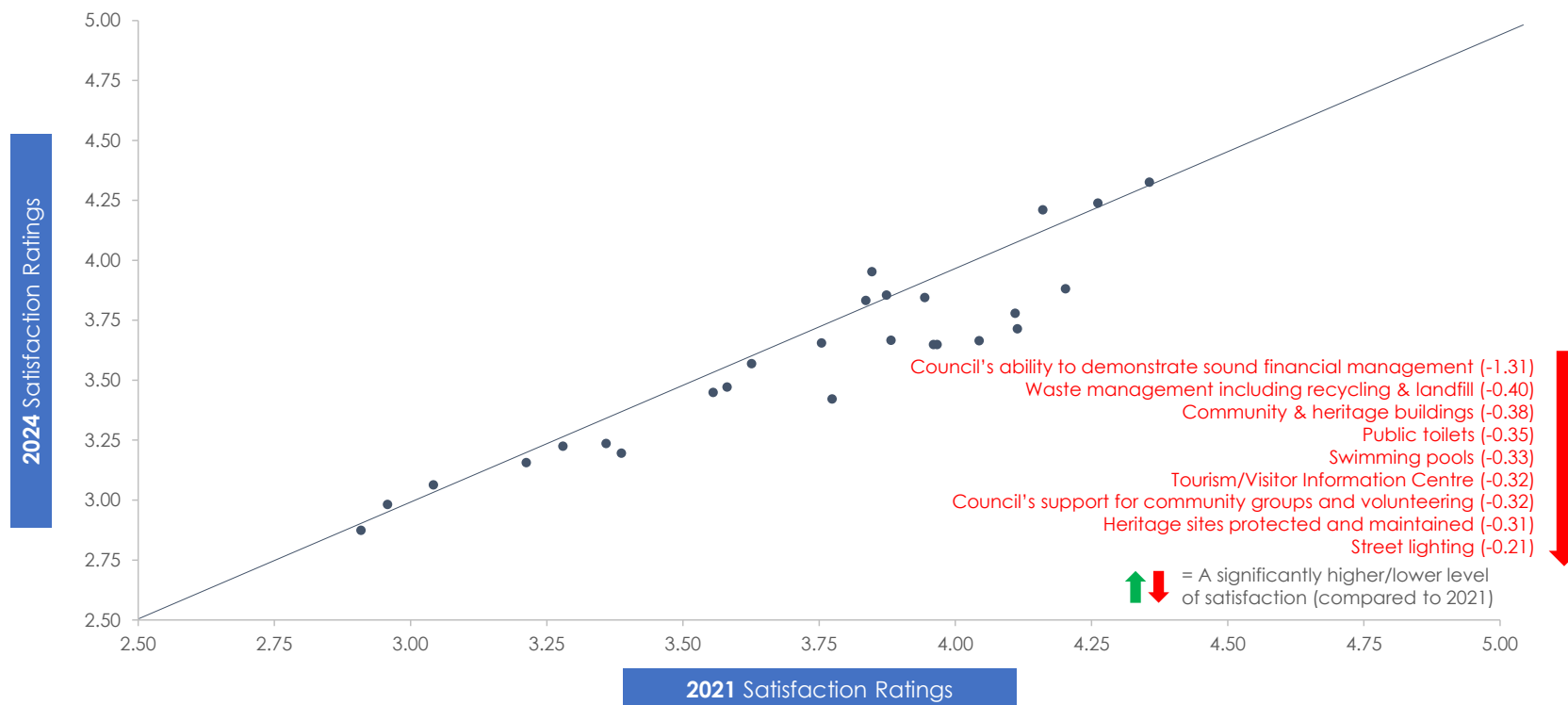


Scale: 1 = not at all important, 5 = very important 24

Services and Facilities – Satisfaction: Comparison by Year

The below chart compares the mean satisfaction ratings for 2024 vs 2021.

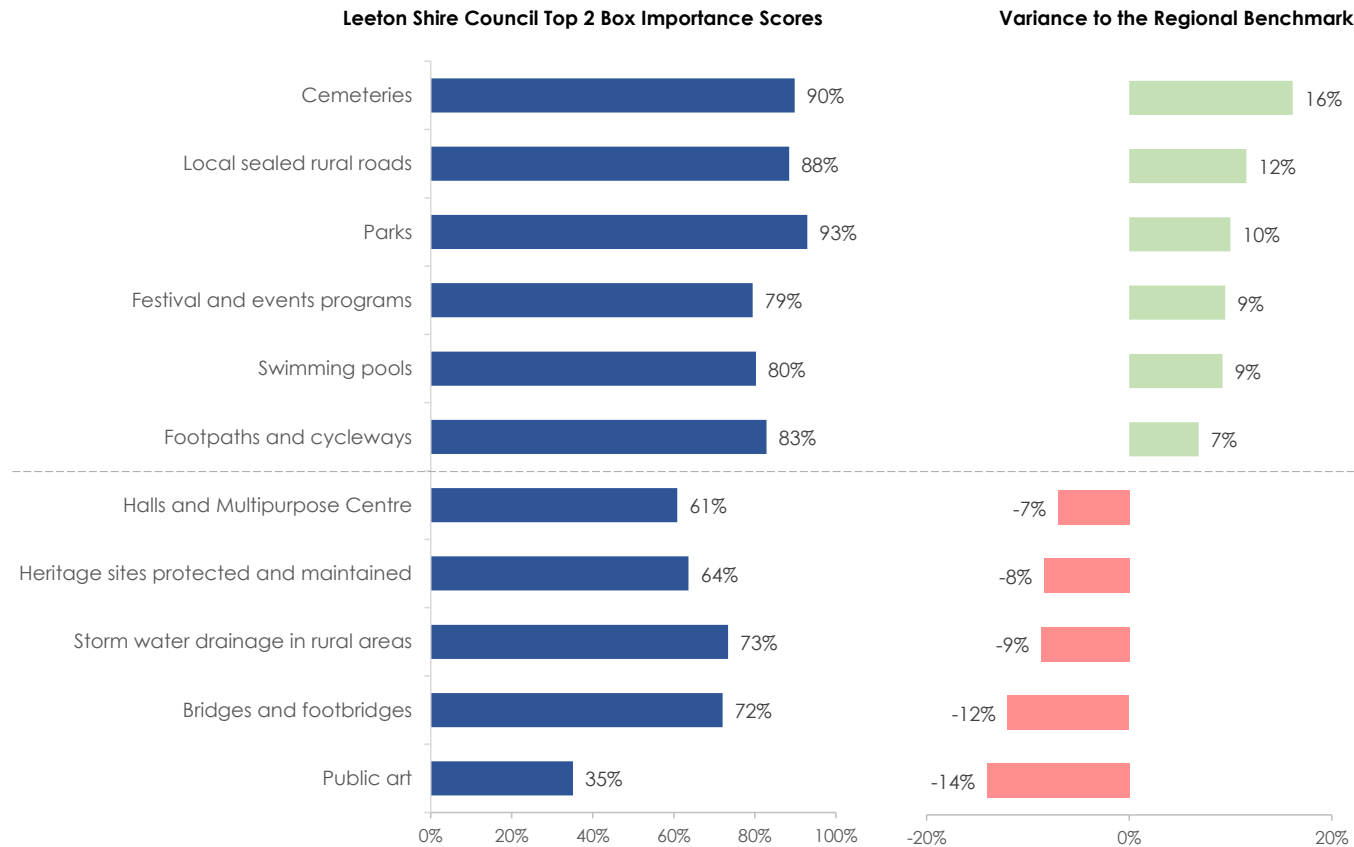
There were significant decreases in satisfaction for 9 of the 27 services and facilities.



Scale: 1 = not at all satisfied, 5 = very satisfied 25

Summary Importance Comparison to the Micromex Benchmark

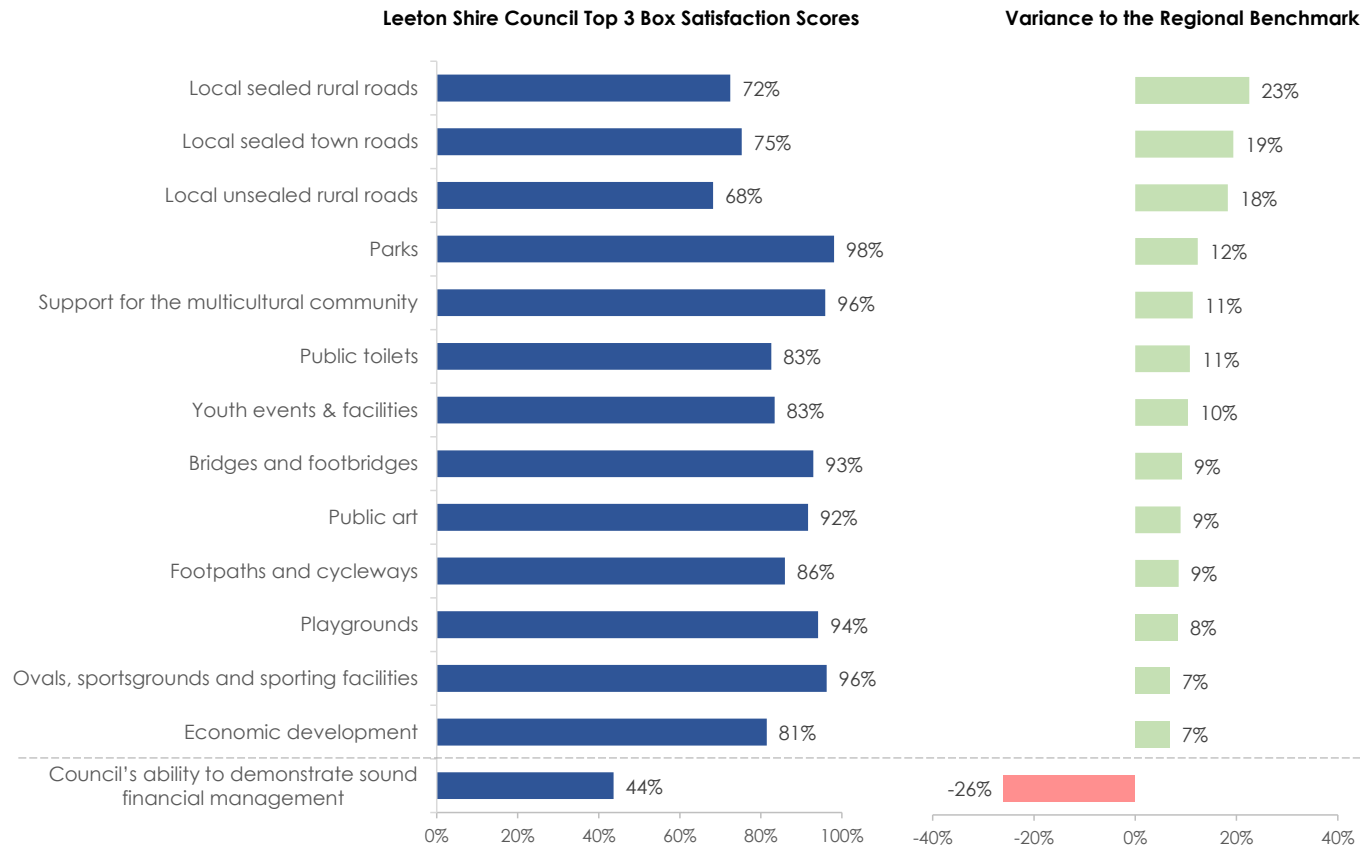
The chart to the right shows the variance between Leeton Shire Council top 2 box importance scores and the Micromex Benchmark. Services/facilities shown in the chart highlight larger positive and negative gaps.



Note: Only services/facilities with a variance of +/- 7% to the Benchmark have been shown above. Please see Appendix 1 for detailed list
 Top 2 box = important/very important

Summary Satisfaction Comparison to the Micromex Benchmark

The chart to the right shows the variance between Leeton Shire Council top 3 box satisfaction scores and the Micromex Benchmark. Services/facilities shown in the chart to the right highlight larger positive and negative gaps.



Note: Only services/facilities with a variance of +/- 7% to the Benchmark have been shown above. Please see Appendix 1 for detailed list
 Top 3 box = at least somewhat satisfied

Performance Gap Analysis

When we examine the largest performance gaps, we can identify that all of the services or facilities have been rated as high in importance, whilst residents' satisfaction for all of these areas is between 44% and 75%.

Larger performance gaps centred on strong leadership and connectivity (roads and access to air travel).

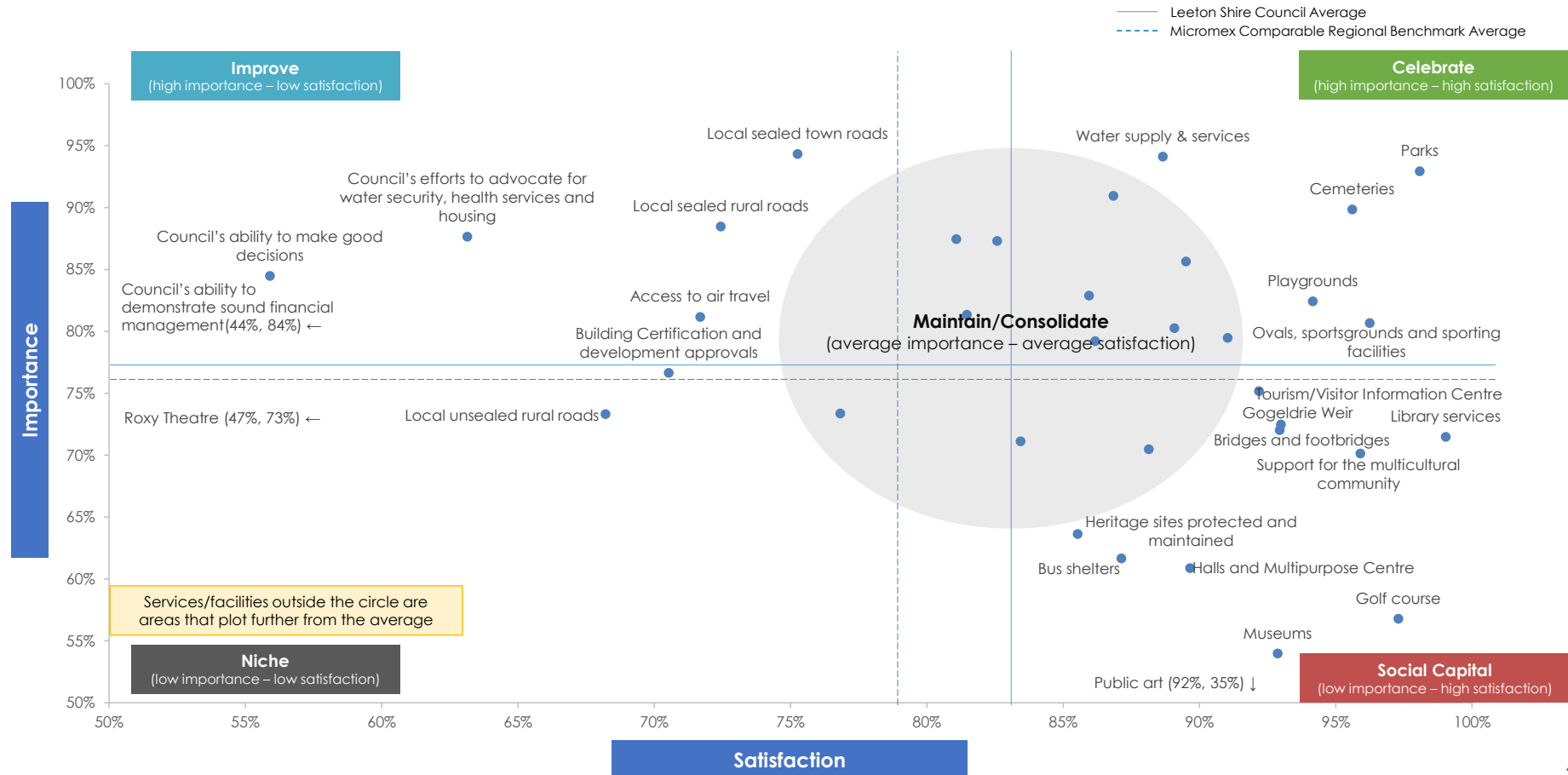
Service Area	Service/Facility	Importance T2 Box	Satisfaction T3 Box	Performance Gap (Importance – Satisfaction)
Strong Leadership	Council's ability to demonstrate sound financial management	84%	44%	41%
Strong Leadership	Council's ability to make good decisions	84%	56%	29%
A Healthy and Caring Community	Roxy Theatre	73%	47%	26%
Strong Leadership	Council's efforts to advocate for water security, health services and housing	88%	63%	25%
Asset Management	Local sealed town roads	94%	75%	19%
Asset Management	Local sealed rural roads	88%	72%	16%
A Thriving Economy with Good Jobs	Access to air travel	81%	72%	9%

Note: Performance gap is the first step in the process, we now need to identify comparative ratings across all services and facilities to get an understanding of relative importance and satisfaction at an LGA level. This is when we undertake step 2 of the analysis.

Please see Appendix 1 for full Performance Gap Ranking

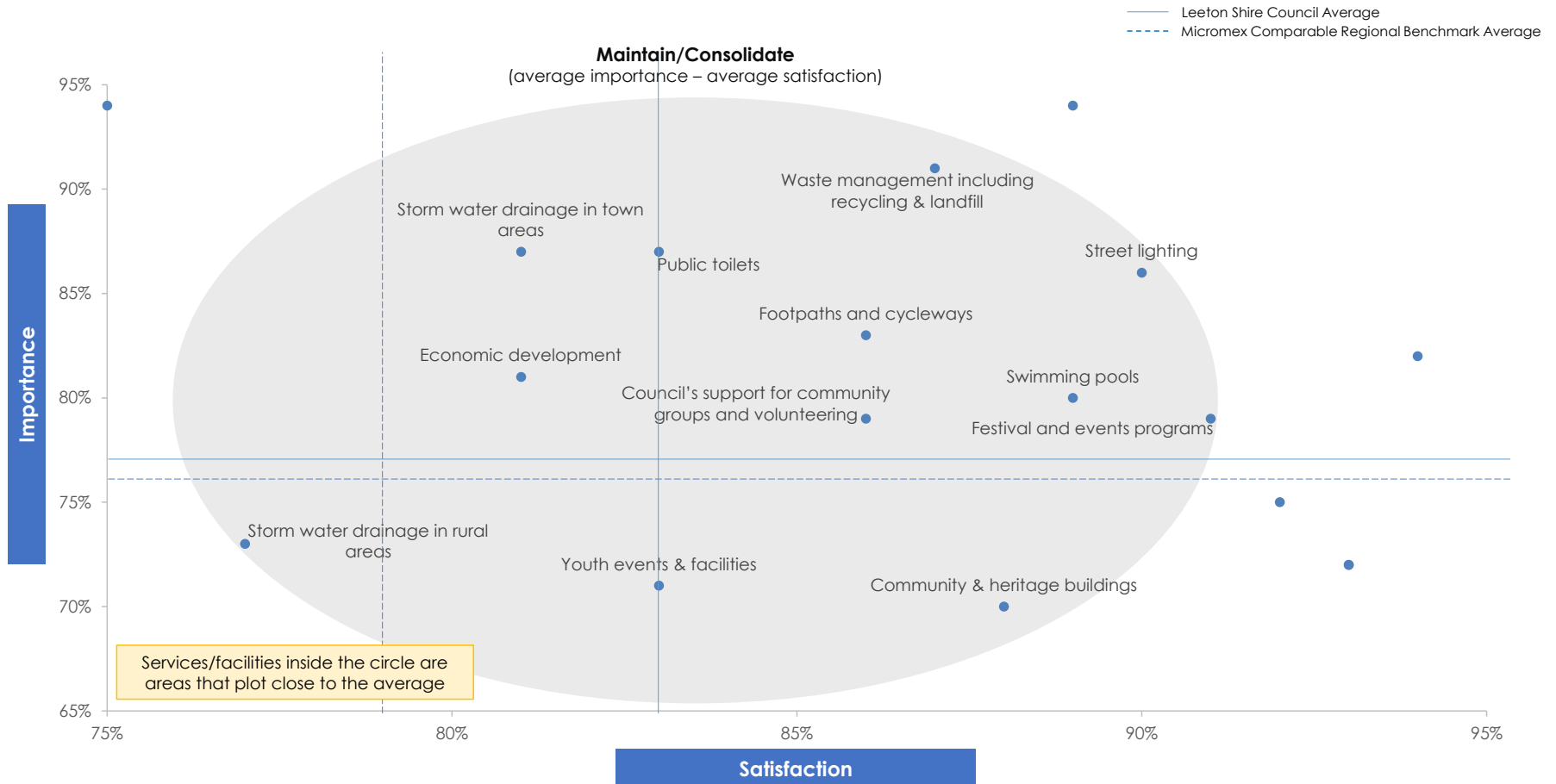
Quadrant Analysis – Mapping Priority Against Delivery

The chart below shows the satisfaction (T3B%) with service/facilities measures plotted against importance (T2B%).



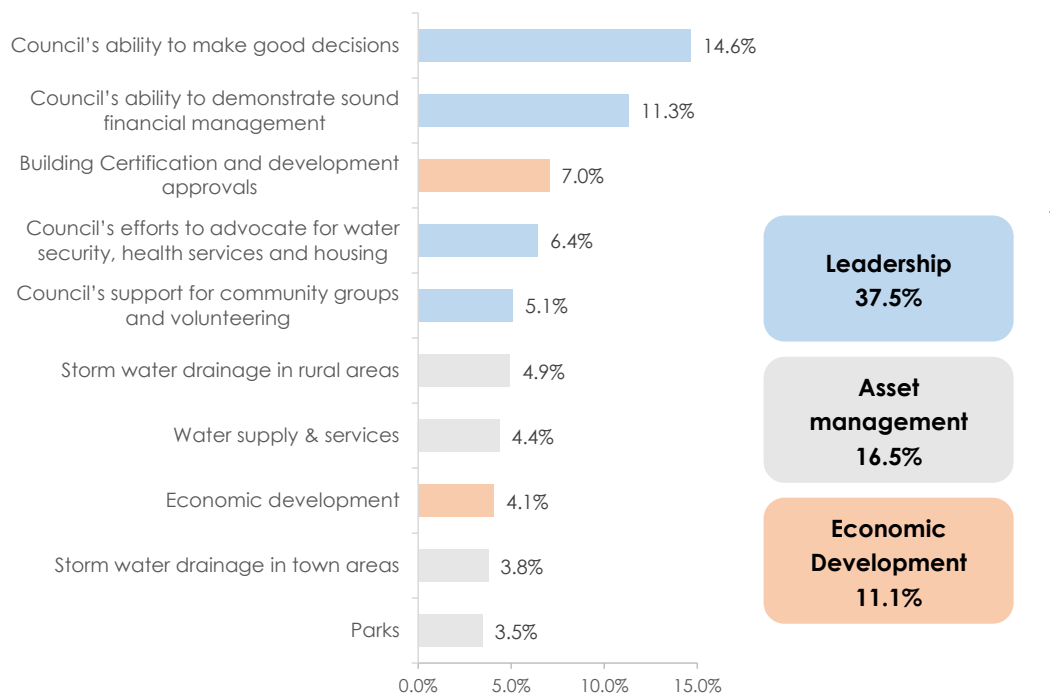
Quadrant Analysis – Mapping Priority Against Delivery

Following on from the previous Slide, the chart below shows the measures in the 'maintain/consolidate' area.



Key Drivers of Overall Satisfaction with Council

The score assigned to each area is not a measure of satisfaction/dissatisfaction – rather, it indicates the percentage of influence each measure contributes to overall satisfaction with Council. All services/facilities are important – but if Council can increase satisfaction in these key driver areas, they will likely see an improvement in overall community satisfaction.



These top 10 services/facilities (so 27% of the 37 services/facilities) account for over 60% of the variation in overall satisfaction.

Investigating the measures separately, 'Council's ability to make good decisions' is the most vital driver of overall satisfaction, followed by 'Council's ability to demonstrate sound financial management'.

Further, after summarizing them into 3 thematical groups, leadership is the most important driver category. Asset management and economic development are also important.

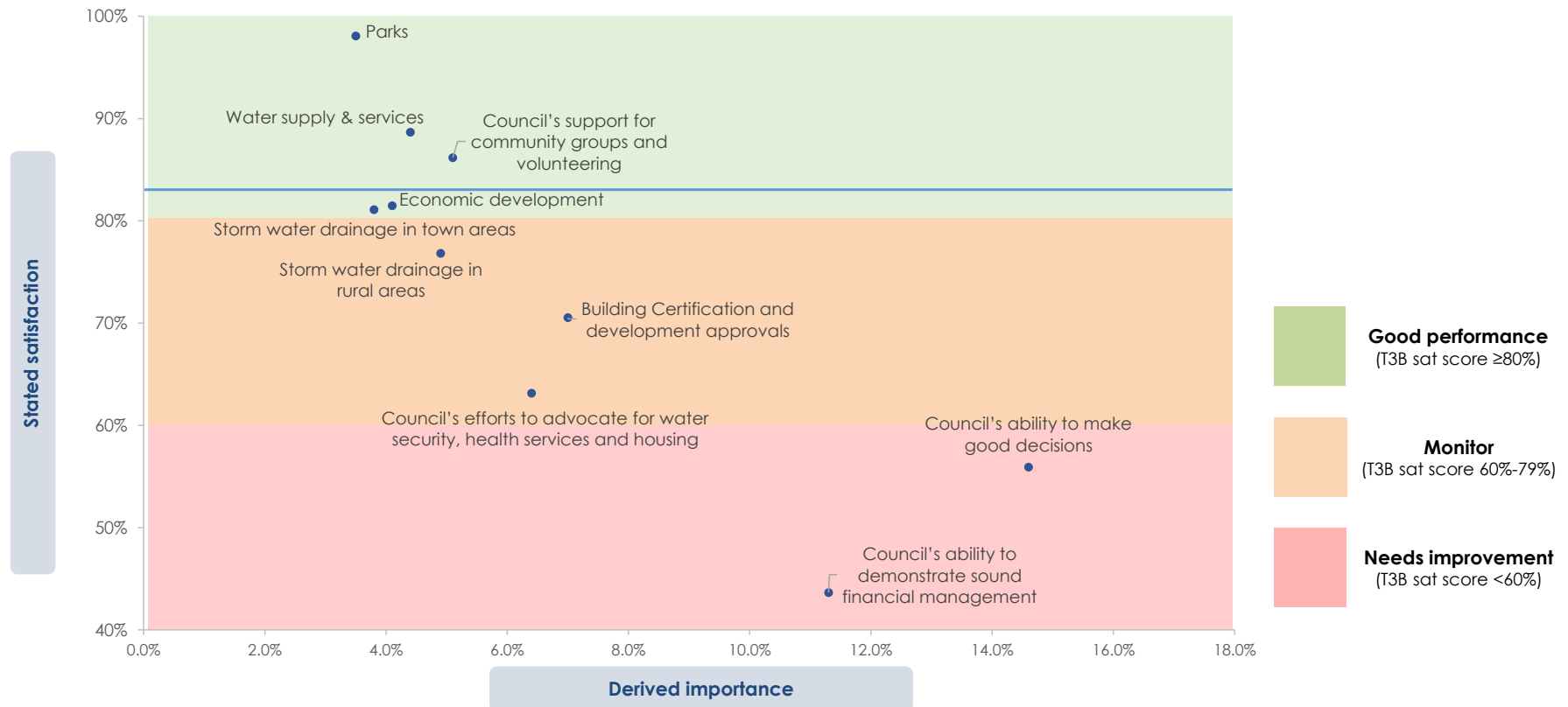
R² value = 0.47

Dependent Variable: Q5. Overall, for the last 12 months, how satisfied are you with the performance of Council administration, not just on one or two issues, but across all responsibility areas?

Note: Please see Appendix 1 for complete list 31

Mapping Stated Satisfaction and Derived Importance Identifies the Community Priority Areas

The below chart looks at the relationship between stated satisfaction (top 3 box) and derived importance (Regression result) to identify the level of contribution of each measure. Any services/facilities below the blue line (which is the average satisfaction score of all services/facilities) could potentially be improved to elevate overall satisfaction level.

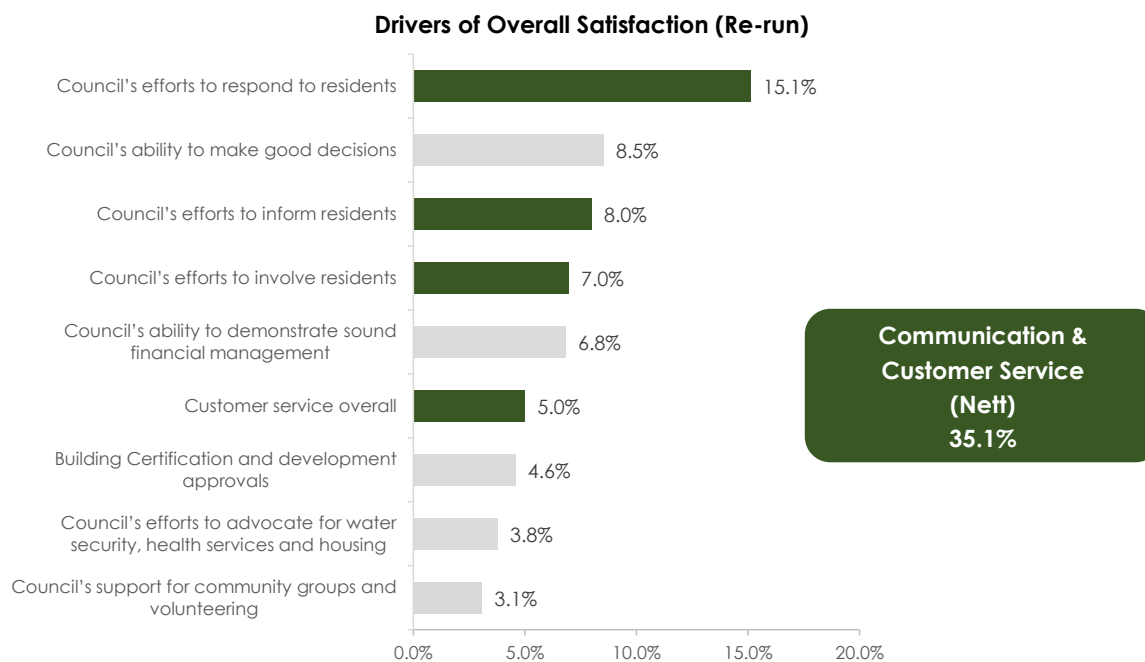


Note: Blue line represents the average top 3 box (at least somewhat satisfied) of all 37 measures

Key Drivers of Overall Satisfaction with Council – Expanded Model

The previous regression model is based on the 37 services/facilities tested (Q3). The results of this slide show an expanded model of the key drivers contributing to overall satisfaction with Council. This analysis includes 4 additional measures (model now totalling 41 measures) from Q6b:

- Overall satisfaction with customer service
- Satisfaction with Council's efforts to inform residents
- Satisfaction with Council's efforts to involve residents
- Satisfaction with Council's efforts to respond to residents



Looking at our expanded regression result, satisfaction with communication measures now account for over 35% of the variation in overall satisfaction.

Similar to our original regression model, leadership (e.g. decision-making and financial management) is also an important driver.

R² value = 0.55

Dependent Variable: Q5. Overall, for the last 12 months, how satisfied are you with the performance of Council administration, not just on one or two issues, but across all responsibility areas?

Note: Please see Appendix 1 for complete list 33

Key Drivers of Overall Satisfaction (Comparable Variables)

As we mentioned earlier, we included only the 27 comparable measures in our regression models this time, which yielded some interesting results shown in the right table.

Financial management remains the most important key driver, with its contribution increasing by 5.9%, now accounting for over 20% of the total variation in overall satisfaction. Further, Building Certification and development approvals and storm water drainage in town areas have become much more important compared to 2021.

Therefore, we conducted further cross-analyses for these three measures to examine any changes in satisfaction levels with these measures (see next page).

Key Drivers	Contribution 2024 (%)	Contribution 2021 (%)	Variance (%)
Council's ability to demonstrate sound financial management	21.4%	15.4%	5.9%
Building Certification and development approvals	11.3%	7.1%	4.2%
Council's support for community groups and volunteering	9.8%	13.9%	-4.1%
Storm water drainage in town areas	7.4%	0.8%	6.5%
Water supply & services	5.7%	4.0%	1.7%
Heritage sites protected and maintained	5.0%	10.3%	-5.2%
Waste management including recycling & landfill	5.0%	4.2%	0.8%

Note: Only important drivers are shown in the table. Please see Appendix 1 for complete list

Cross-Analysis of Overall Satisfaction and Key Drivers

After examining the changes in satisfaction levels (T3B%) with the three key drivers, Council's ability to demonstrate sound financial management was the only measure that declined dramatically compared to 2021. Therefore, we conducted a cross-analysis between satisfaction with financial management and overall satisfaction with the performance of Council.

Looking at the tables to the right, firstly we can see there has always been a strong correlation between satisfaction with financial management and overall satisfaction. However, significantly fewer residents are satisfied (T2B%) with financial management this year, while conversely, significantly more are not satisfied or not at all satisfied with it. This may be the reason contributing to the decline in overall satisfaction.

Key Drivers	T3B% Satisfaction 2024	T3B% Satisfaction 2021
Council's ability to demonstrate sound financial management	44%	87%
Building Certification and development approvals	71%	76%
Storm water drainage in town areas	81%	84%



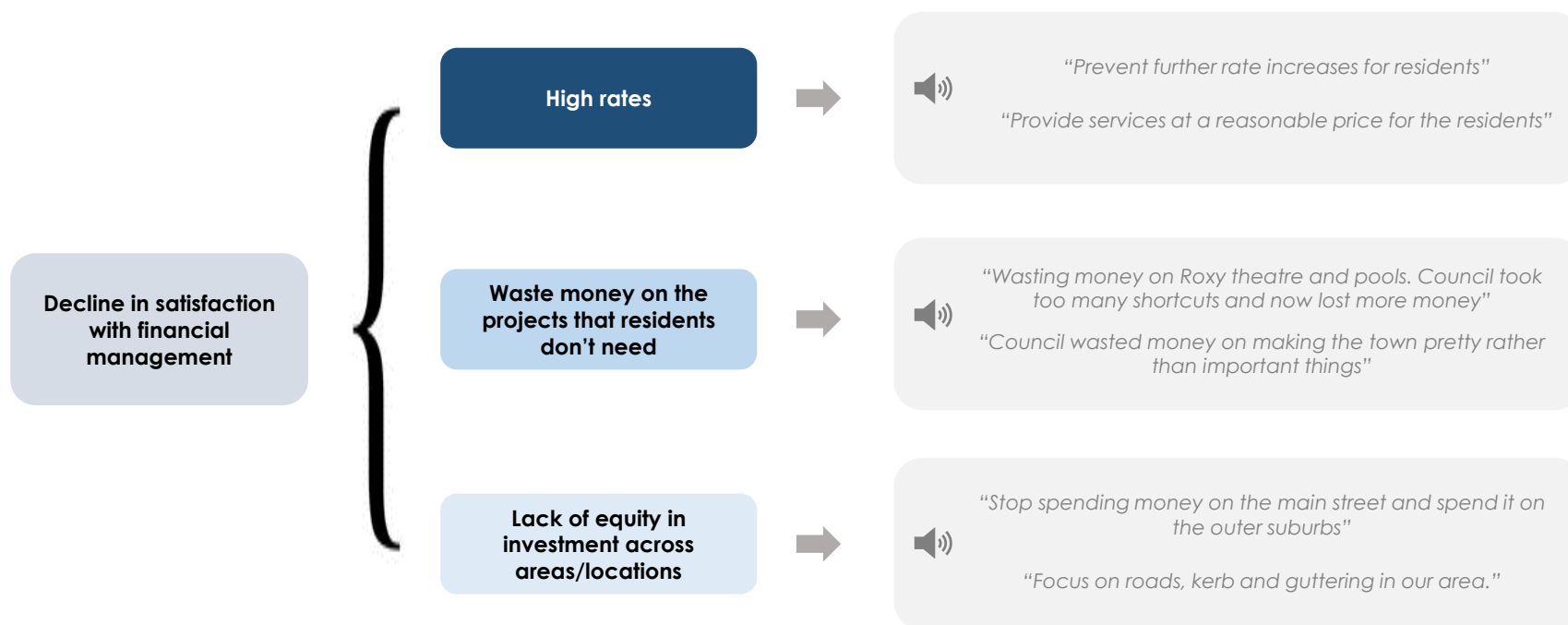
2024	Satisfaction with Financial management				
	1 - Low	2	3	4	5 - High
Very satisfied	0%	0%	10%	11%	31%
Satisfied	10%	31%	42%	72%	49%
Somewhat satisfied	39%	50%	44%	15%	21%
Not very satisfied	33%	12%	3%	0%	0%
Not at all satisfied	17%	7%	1%	2%	0%
T3B	49%	81%	96%	98%	100%
Mean rating	2.42	3.04	3.56	3.89	4.10
Base	98	90	91	41	15

2021	Satisfaction with Financial management				
	1 - Low	2	3	4	5 - High
Very satisfied	0%	6%	3%	24%	44%
Satisfied	24%	11%	55%	60%	42%
Somewhat satisfied	27%	54%	38%	15%	12%
Not very satisfied	29%	21%	1%	1%	1%
Not at all satisfied	20%	7%	2%	0%	1%
T3B	51%	71%	96%	99%	98%
Mean rating	2.55	2.87	3.55	4.08	4.27
Base	15	27	90	125	77

A significantly higher/lower percentage (compared to 2021/ by group) 35

Reasons for Change in Satisfaction with Financial Management

Perusing more in-depth into the reasons for declining satisfaction with financial management, a large proportion of residents mentioned in Q1b that Council primarily depends on rate increases rather than exploring alternative revenue sources. A few residents also mentioned that Council has been overspending on trivial projects (e.g., Roxy Theatre), and there was also a lack of equity in the investment across service areas/ locations.






Summary Findings



Satisfaction Scorecard

27 out of 37 (73%) services and facilities received good performance satisfaction scores.

However, there were 3 measures that need improvement, which were the Roxy Theatre, decision making and financial management.

-  **Good performance**
(T3B sat score ≥80%)
-  **Monitor**
(T3B sat score 60%-79%)
-  **Needs improvement**
(T3B sat score <60%)

A Healthy and Caring Community	A Thriving Economy with Good Jobs	Asset Management
Youth events & facilities	Access to air travel	Local sealed town roads
Heritage sites protected and maintained	Tourism/Visitor Information Centre	Local sealed rural roads
Ovals, sportsgrounds and sporting facilities		Local unsealed rural roads
Halls and Multipurpose Centre	Economic development	Bridges and footbridges
Swimming pools	Building Certification and development approvals	
Roxy Theatre	Strong Leadership	Footpaths and cycleways
Museums		Council's support for community groups and volunteering
Public art	Council's ability to make good decisions	Bus shelters
Library services		Council's ability to demonstrate sound financial management
Festival and events programs	Council's efforts to advocate for water security, health services and housing	Parks
Playgrounds		Community & heritage buildings
Public toilets	Storm water drainage in rural areas	Water supply & services
Street lighting		Storm water drainage in town areas
Cemeteries	Waste management including recycling & landfill	Storm water drainage in rural areas
Gogeldrie Weir		
Golf course		
Support for the multicultural community		

Where are we now?

Despite the external stressors in recent years, 94% of residents in Leeton Shire LGA rated their quality of life as 'good' to 'excellent'. Nearly 80% are at least somewhat satisfied with the performance of Council, whilst 83% are at least somewhat satisfied with the performance of Councillors.

Regarding the statements about living in Leeton Shire, 90% of residents agree that they are safe during the daytime, whilst 85% agree that they can feel the sense of community.

However, there is always room for improvement. Based on our regression models that includes 37 services/facilities, Council's leadership, asset management and economic development are the most important drivers of overall satisfaction. Further, after including 4 contact-related measures, the satisfaction with contact and communication contributes to more than 35% of the variation in overall satisfaction with Council. This indicates that every interaction with residents is a chance to enhance their satisfaction with Council.

(see next slide for suggestions about moving forward)

Key Measures:



Overall satisfaction

Overall, 78% of residents are at least somewhat satisfied with the performance of Council administration over the last 12 months.



Satisfaction with Customer Service

80% of residents are at least somewhat satisfied with Council's customer service overall.



Satisfaction with Councillors

83% of residents are at least somewhat satisfied with the performance of the elected Councillors.



Quality of Life in the LGA

94% of residents rate their quality of life as 'good' to 'excellent' in the Leeton Shire LGA.



Moving Forward



- **Leadership:**

Council's ability to demonstrate sound financial management is one of the most important drivers of overall satisfaction in our original regression model. However, the satisfaction with financial management declined by 43% from 2021, which is a key factor contributing to the decline in overall satisfaction with Council's performance (see cross-analysis). Perceptions of high rates, controversial projects such as Roxy Theatre, and inequity in investment across service areas and locations are core reasons for the decline in financial management satisfaction.



- **Asset Management:**

Asset management is the second largest thematical driver of overall satisfaction following leadership. The most important variables centred on water and drainage. Further, although not a key driver of overall satisfaction, 60% or more of residents mentioned that roads need more investment, and 32% stated 'maintenance and upgrades of roads' is a priority in the next 4 years for Leeton.



- **Planning and development:**

'Building certification and development approvals' is the third largest driver of overall satisfaction in our original regression model. It is possible this score is not specific to the Council's Building certification and DA process, but rather a response to the Roxy Theatre project. Council could look to contact residents who participated in the research to explore this area further.



- **Communication/ Customer Experience:**

Four communication related measures contributed to more than 35% of the variation in overall satisfaction. Customer service and Council efforts to inform are generally well rated

- **Efforts to consult/involve:** Particularly with regard to decision-making is an area that could be strengthened and explored.
- **Efforts to Respond:** Each interaction with residents is an opportunity to enhance the Council's image. Although 80% of residents are somewhat satisfied with overall customer service, there is still potential room for improvement. Council's efforts to respond to residents is the largest driver of overall satisfaction in our extended regression model, with the lowest satisfaction score (65%) among the communication measures. As mentioned above, Council could look to qualitatively explore community understanding and expectations around these areas to better understand the opportunities in this space.



8.2. CORPORATE MATTERS

ITEM 8.2.1. INVESTMENT REPORT FOR AUGUST 2024

AUTHOR/S: Accountant
APPROVER/S: Manager Finance
Director Corporate/CFO

SUMMARY/PURPOSE

This report provides details of the performance of Council's investment portfolio for the period ending 31 August 2024.

RECOMMENDATION

THAT Council notes the information contained in the Investments Report for August 2024.

REPORT

(a) Background

This report is required to be prepared monthly and presented at the next available Ordinary Council meeting in accordance with Clause 212 of the Local Government (General) Regulation 2021.

(b) Discussion

Council's cash and investment holdings total \$58,005,343.

As at 31 August 2024, Leeton Shire Council has \$44,834,713 invested in Approved Deposit Institutions (ADIs) of which \$2,545,407 (5.68%) is invested with local bank branches.

Attached to this report is a Statement of Bank Reconciliation (**Attachment 1**) and a Summary of Investments (**Attachment 2**) as at 31 August 2024.

The Statement of Bank Reconciliation reconciles the Bank Statement balances to the General Ledger at 31 August 2024 by taking into account unrepresented cheques, unrepresented deposits, and unrepresented debits.

The Summary of Investments details all the investments held by Leeton Shire Council as at 31 August 2024.

The following table details the total Cash, Cash Equivalents and Investment holdings:

Cash in Transaction Account	\$13,170,630
Deposits At Call Accounts	\$11,434,713
Investments	\$33,400,000
TOTAL	\$58,005,343

The table below details the monthly movements of investments for August 2024:

Opening Investments Balance	\$	45,782,515
Less:		
Maturities (3)	\$	3,500,000
Transfer to CBA Current Account	\$	1,000,000
Subtotal	\$	41,282,515
Plus:		
Roll-overs (3)	\$	3,500,000
New Investments	\$	0
CBA Business Online Saver (BOS) movements	\$	16,156
AMP Business Saver Account	\$	2,823
AMP 31 Day Notice Account	\$	24,848
Macquarie Cash Management Accelerator Account	\$	8,371
Closing Investments Balance	\$	44,834,713
Add back Cash in Transaction accounts		13,170,630
Total Cash and Investments	\$	58,005,343

The following table details the break-up of investments according to the restrictions which are placed on them based on the Notes to the Financial Statements (Unaudited) 30 June 2024:

Total Cash and Investments	\$	58,005,343
Less restrictions		
Water Supply (Excl. Unfinished Works)	\$	19,755,510
Sewerage Services (Excl. Unfinished Works)	\$	9,788,670
Domestic Waste Management	\$	5,404,715
*Other external restrictions	\$	7,841,529
External Restrictions (Excl. Unfinished Works) - Sub Total	\$	42,790,424
Internal restrictions	\$	9,879,836
Total restrictions	\$	52,670,260
Operating Capital	\$	5,335,083

*Includes - Unspent Grants Restrictions, Stormwater Levy Restriction, Deposits, Retentions and Bonds

Externally restricted funds can only be used for the purposes for which they were raised. These include water, sewer, domestic waste operations and unexpended specific purpose grants.

Internally restricted funds are set aside through Council resolution for specific purposes such as plant replacement, infrastructure renewal or funded provisions. Internal restrictions are considered as part of the Budget adoption or the Quarterly Budget Review process.

Operating Capital is used to provide working capital for Council to fund short-term operations, current Capital works program, and fluctuations in payables and receivables.

Water Investments Summary

In accordance with Murrumbidgee Irrigation (MI) records, the total Water Licences held are 5,584 ML. As of the 9 September 2024 Water Allocation update, Murrumbidgee General Security has a 34% allocation, High Security has 95% allocation:

Water Entitlements	Entitlement	Allocation (%)	Total Allocation (ML)	Usage to date	Sales this month	Total Volume Sold (ML)	Estimated Remaining Usage + 10% Safety Margin*	Allocation Available For Sale (ML)
Town Water High Security	4,097	100%	4,097	217	-	-	2,084	500
Investment Water								
High Security	971	95%	922		810	810		112
General Security	516	34%	175			-		170
Total	5,584		5,194		810	810		782

* In accordance with the Temporary Sale of Water Allocation Policy, Council can sell up to 500ML of Town Water up until 31 October. From 1 November, the available allocation for sale is the balance of usage to date less the remaining expected water demand after a 10% safety margin applied.

Year to date, Council has undertaken temporary trade of 810 ML for \$ 99,605.00 (net of sale brokerage fees) as at 31 August 2024.

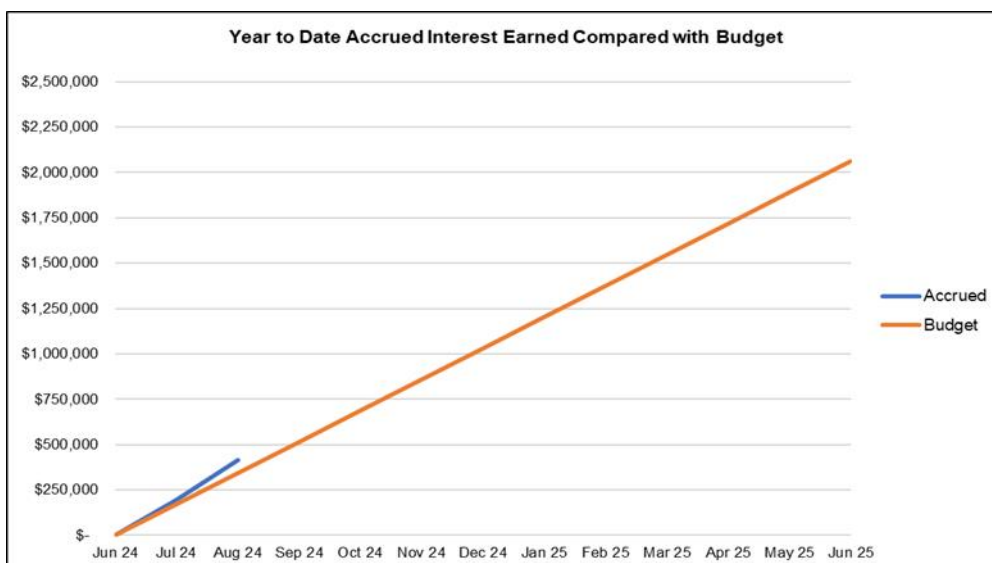
IMPLICATIONS TO BE ADDRESSED

(a) Financial

The annualised rate of return across the portfolio is 4.96% for August 2024.

Budgeted Interest for FY24/25 is \$2,061,682. The actual \$218,141 in interest earned for August 2024 is higher than the budgeted amount of \$171,807 by \$46,334.

The following graph compares year-to-date interest with the budgeted interest for the period:



The consolidated actual investment income from 1 July 2024 to 31 August 2024 compared to the budgeted investment interest is detailed below:

Actual versus budgeted interest and earnings	Aug-24	Year To Date
Investments - Interest earned	\$ 159,552	\$ 305,700
Deposits at call	\$ 57,456	\$ 105,312
Rebates and Other earnings	\$ 1,132	\$ 2,426
Total Earnings	\$ 218,141	\$ 413,438
Budgeted Interest	\$ 171,807	\$ 343,614
Variance – Positive	\$ 46,334	\$69,824

Total investment income allocation by fund is detailed below:

Interest Apportionment	Aug-24	Year to Date
General Fund	\$ 69,802	\$ 164,791
Water Fund	\$ 84,382	\$ 167,431
Sewer Fund	\$ 41,113	\$ 81,216
Total Interest Earned	\$ 218,141	\$ 413,438

The following tables provide information on investment rates this year compared to last year, as well as a comparison of investment balances from this year to last year:

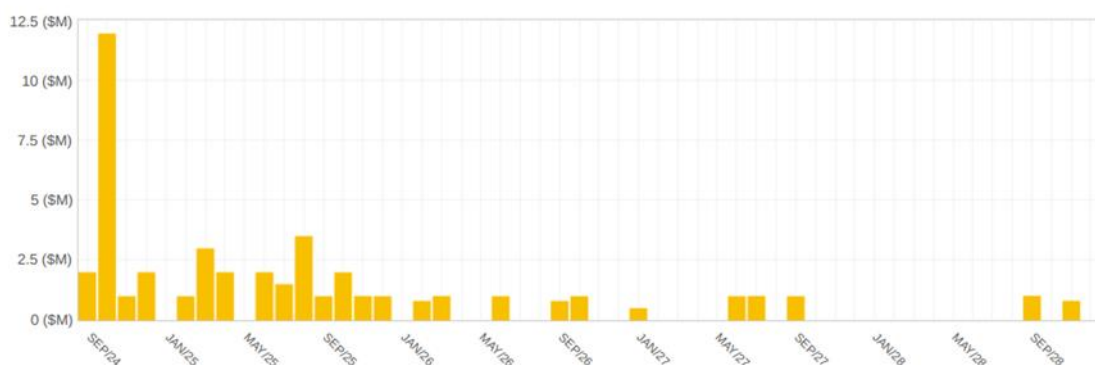
Performance Measures	Year to Date	Last Year (Aug)
Portfolio Average Interest Rate (YTD inc. Cash)	4.97%	4.17%
Investment Balances	Year to Date	Last Year
Opening Balance as at 1 Aug	\$45,782,515	\$51,351,345
Current Balance as at 31 Aug	\$44,834,713	\$49,917,105

Council Portfolio Compliance

Investment Maturing Profile

The portfolio remains lightly diversified from a maturity perspective with deposits maturing out to five (5) years. The graph below shows when Council's current investments mature and the related values:

Maturity Cash Flow Distribution



Financial Asset Allocation

Council's financial assets are invested as per the table below:

Investment Type	Risk Assessment		Investment Face Value	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	23,500,000	52.41%
Cash/At Call Deposits	Low	Low	11,434,713	25.50%
Floating Rate Notes	Low	Low	6,400,000	14.27%
Bonds	Low	Low	3,500,000	7.81%
TOTAL			44,834,713	100%

Counterparty

As at the end of August 2024, Council did not have an overweight position to any single Authorised Deposit Taking Institution. The portfolio is well-diversified across the investment grade spectrum (all are rated BBB or higher).

All aggregate ratings categories are within the Investment Policy limits:

Compliant	Issuer	Rating	Invested (\$) ^	Invested (%)	Max. Limit (%)	Available (\$)
✓	ANZ (Suncorp) Covered	AAA	\$502,278	1.12%	45%	\$19,689,127
✓	RBC Covered	AAA	\$1,006,869	2.24%	45%	\$19,184,536
✓	ANZ Bank	AA-	\$1,018,171	2.27%	45%	\$19,173,234
✓	Commonwealth Bank	AA-	\$3,046,342	6.79%	45%	\$17,145,063
✓	National Australia Bank	AA-	\$10,807,132	24.09%	45%	\$9,384,273
✓	Westpac	AA-	\$8,000,000	17.83%	45%	\$12,191,405
✓	Macquarie	A+	\$3,030,657	6.75%	35%	\$12,673,769
✓	ING Bank	A	\$1,000,000	2.23%	35%	\$14,704,426
✓	Bendigo and Adelaide	A-	\$989,709	2.21%	35%	\$14,714,717
✓	BoQ	A-	\$2,989,828	6.66%	35%	\$12,714,598
✓	AMP Bank	BBB+	\$9,161,022	20.42%	30%	\$4,299,915
✓	Bank Australia	BBB+	\$1,005,671	2.24%	30%	\$12,455,265
✓	RACQ Bank (Qbank)	BBB+	\$804,670	1.79%	30%	\$12,656,266
✓	Auswide Bank	BBB	\$1,005,890	2.24%	30%	\$12,455,046
✓	MyState Bank	BBB	\$501,551	1.12%	30%	\$12,959,386
			\$44,869,788	100.00%		

[^]Note valuations of Council's senior FRNs on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date.

Credit Quality

The following table details the credit rating of each of the categories in which Council has money invested. The portfolio remains well diversified from a credit ratings perspective with the portfolio spread across the entire credit spectrum. All investments are compliant with Council's Investment Policy.

Compliant	Credit Rating	Invested (\$)	Invested %	Max. Limit (%)
Yes	AAA Category	\$ 1,509,147	3.36%	100.00%
Yes	AA Category	\$22,871,645	50.97%	100.00%
Yes	A Category	\$ 8,010,194	17.85%	80.00%
Yes	BBB Category	\$12,478,802	27.81%	70.00%
Yes	Unrated ADI's	\$0	0.00%	30.00%
		\$44,869,788	100.00%	

***Note:** Valuations of Council's senior Floating Rate Notes on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third-party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date. (Arlo Advisory)

Maximum Limit Percentage is based on the Revised Investment Policy for 2022.

(b) Policy

Investment Policy

(c) Legislative / Statutory

All funds are invested in accordance with section 625 of the *Local Government Act 1993* and the Ministerial Investment Order.

Local Government (General) Regulation 2021
 Local Government Act 1993

CONSULTATION

(a) External

Council's investment advisor is Arlo Advisory for financial investment advice during the month of August 2024.

(b) Internal

General Manager
 Director Operations

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.7 Deploy reliable and efficient corporate management - financial, asset, property, records, information technology, buildings and plant/fleet in accordance with relevant legislation including *Government Information (Public Access) Act 2009*

9. Governance and Corporate Services


9.7 Deploy reliable and efficient financial management and administration


9.7.3 Practice sound financial management

ATTACHMENTS

Attachment 1 – Bank Reconciliation August 2024

Attachment 2 – Investments August 2024

MONTH END BANK RECONCILIATION REPORT		
Prepared by the Accountant		
<u>INTRODUCTION</u>		
The purpose of this report is to inform Council of its position in respect of bank balances.		
<u>BACKGROUND</u>		
This report is prepared monthly and presents movements in the Council's bank account.		
BANK RECONCILIATION STATEMENT		
as at 31 August 2024		
BALANCE AS PER GENERAL LEDGER		
Opening Balance:	1/08/2024	\$ 1,461,865.86
August Movements:		\$ 11,763,167.21
Closing Balance:	31/08/2024	<u>\$ 13,225,033.07</u>
Less Unprocessed Bank Statement Transactions:		-\$ 54,402.58
Total:		<u><u>\$ 13,170,630.49</u></u>
BALANCE AS PER BANK STATEMENTS		<u>\$ 13,127,039.85</u>
Less Unpresented Cheques		-\$ 561.81
Less Unpresented Debits		-
Plus Unpresented Deposits		\$ 44,152.45
Total		<u><u>\$ 13,170,630.49</u></u>
 _____ Responsible Accounting Officer 18 October 2024		

MONTH END BANK RECONCILIATION REPORT		
Prepared by the Accountant		
<u>INTRODUCTION</u>		
The purpose of this report is to inform Council of its position in respect of bank balances.		
<u>BACKGROUND</u>		
This report is prepared monthly and presents movements in the Council's bank account.		
BANK RECONCILIATION STATEMENT		
as at 31 August 2024		
BALANCE AS PER GENERAL LEDGER		
Opening Balance:	1/08/2024	\$ 12,382,514.99
June Movements:		
Transfer to CBA Working Account		-\$ 1,000,000.00
Interest Earned		\$ 52,197.88
Closing Balance:	31/08/2024	\$ 11,434,712.87
Less Unprocessed Bank Statement Transactions:		
Total:		<u>\$ 11,434,712.87</u>
BALANCE AS PER BANK STATEMENTS		<u>\$ 11,434,712.87</u>
Less Unpresented Cheques		
Add Unpresented Credit		
Plus Unpresented Deposits		
Total		<u>\$ 11,434,712.87</u>
 <hr/> Responsible Accounting Officer 18 October 2024		

Leeton Shire Council

Summary of Term Investments as at: 31/08/2024										BBSW 90: 4.39%	Average Yield: 4.96%
Inv No	Financial Institution/Broker	Investment	Note	Ref No	Investment Date	Investment Term (months)	Remaining Term (months)	Principal	Yield %	Maturity	Type
10-00	Commonwealth Bank Ltd	CBA Business Online Saver - Cash Account	Cash	10206481	12/10/09	180	1	2,545,406.59	4.20%	21/10/24	DAC
20-00	AMP Bank	AMP Business Saver Account		437864762	10/07/20	51	1	1,009,946.77	3.40%	21/10/24	DAC
21-00	AMP Bank	AMP 31 Day Notice Account		971165956	17/07/20	52	2	5,651,074.94	5.30%	21/11/24	DAC
		Macquarie Cash Management									
22-00	Macquarie Bank	Accelerator Account		940367790	07/11/20	47	1	2,228,284.57	4.65%	21/10/24	DAC
23-15	Curve Securities Pty Ltd	Members Banking Group Ltd		AU3FN0075453	24/02/23	36	17	800,000.00	5.84%	24/02/26	FRN
23-16	Laminar Capital	Auswide Bank		AU3FN0076352	17/03/23	36	18	1,000,000.00	5.82%	17/03/26	FRN
22-21	Commonwealth Bank Ltd	Commonwealth Bank		AU3FN0065579	14/01/22	60	28	500,000.00	5.05%	14/01/27	FRN
23-01	Commonwealth Bank Ltd	Royal Bank of Canada		AU3FN0070025	13/07/22	60	34	500,000.00	5.40%	13/07/27	FRN
23-10	Laminar Capital	MyState Bank Ltd		AU3FN0072369	13/10/22	36	13	500,000.00	5.45%	13/10/25	FRN
23-11	Commonwealth Bank Ltd	Suncorp-Merway Ltd		AU3FN0072617	17/10/22	36	13	500,000.00	5.32%	17/10/25	FRN
23-13	Curve Securities Pty Ltd	Bank Australia		AU3FN0073797	24/11/22	36	14	1,000,000.00	5.94%	24/11/25	FRN
24-05	Commonwealth Bank Ltd	Macquarie Bank		AU3FN0081170	14/09/23	36	35	800,000.00	5.19%	14/09/26	FRN
24-11	Commonwealth Bank Ltd	National Aust Bank		AU3FN0082996	16/11/23	36	35	800,000.00	5.40%	16/11/28	FRN
22-23	Commonwealth Bank Ltd	Bendigo and Adelaide Bank		8156149	17/03/22	36	6	1,000,000.00	3.00%	17/03/25	Bond
22-27	Commonwealth Bank Ltd	Bank of Queensland		AU3C80288843	29/04/22	42	13	1,000,000.00	4.00%	29/10/25	Bond
23-02	Commonwealth Bank Ltd	Royal Bank of Canada		AU3C80290682	13/07/22	60	34	500,000.00	4.50%	13/07/27	Bond
24-07	Laminar Capital	ANZ Bank		AU3C80302404	22/09/23	59	48	1,000,000.00	4.95%	11/09/28	Bond
22-17	Westpac Bank	Westpac Bank		9563400	11/11/21	36	2	1,000,000.00	1.60%	11/11/24	LTD
23-07	National Aust Bank	National Aust Bank		97-327-3005	27/09/22	24	0	1,000,000.00	4.90%	27/09/24	LTD
23-21	National Aust Bank	National Aust Bank		36-359-9876	08/06/23	24	9	1,000,000.00	5.17%	08/06/25	LTD
23-22	Bank of Queensland	Bank of Queensland		772448	21/06/23	48	33	1,000,000.00	5.40%	21/06/27	LTD
24-04	National Aust Bank	National Aust Bank		42-900-9737	11/09/23	12	0	1,000,000.00	5.20%	11/09/24	LTD
24-06	Westpac Bank	Westpac Bank		11067864	14/09/23	48	36	1,000,000.00	4.94%	14/09/27	LTD
24-08	Bank of Queensland	Bank of Queensland		833891	29/09/23	24	12	1,000,000.00	5.23%	29/09/25	LTD
24-09	National Aust Bank	National Aust Bank		89-130-6344	06/10/23	12	1	500,000.00	5.25%	06/10/24	LTD
24-10	Westpac Bank	Westpac Bank		11154604	26/10/23	36	25	1,000,000.00	5.38%	26/10/26	LTD
24-12	Westpac Bank	Westpac Bank		11256899	11/12/23	12	3	1,000,000.00	5.27%	11/12/24	LTD
24-13	AMP Bank	AMP Bank		TD869330126	15/12/23	24	15	1,000,000.00	5.45%	15/12/25	LTD
24-14	AMP Bank	AMP Bank		TD518603931	21/12/23	11	3	1,000,000.00	5.40%	19/12/24	LTD
24-15	Westpac Bank	Westpac Bank		11408864	27/02/24	12	5	1,000,000.00	5.14%	27/02/25	LTD
24-16	Westpac Bank	Westpac Bank		11469068	22/03/24	11	5	1,000,000.00	5.06%	24/02/25	LTD
24-17	National Aust Bank	National Aust Bank		36-309-4165	22/03/24	11	5	1,000,000.00	5.02%	24/02/25	LTD
24-18	Westpac Bank	Westpac Bank		11505860	11/04/24	12	7	1,000,000.00	5.13%	11/04/25	LTD
24-19	Westpac Bank	Westpac Bank		11511980	15/04/24	12	7	1,000,000.00	5.12%	15/04/25	LTD
24-20	National Aust Bank	National Aust Bank		92-841-9765	24/06/24	12	9	1,000,000.00	5.24%	24/06/25	LTD
24-21	ING Bank	ING Bank		1243285	24/06/24	23	21	1,000,000.00	5.12%	24/06/26	LTD

Leeton Shire Council

		Summary of Term Investments as at: 31/08/2024		BBSW 90: 4.39%	Average Yield: 4.96%	
25-01	National Aust Bank	98-095-1687	11/07/24	12	1,500,000.00	11/07/25 LTD
25-02	AMP Bank	TD528016306	08/08/24	12	500,000.00	08/08/25 LTD
25-03	National Aust Bank	89-019-7190	15/08/24	12	2,000,000.00	15/08/25 LTD
25-04	National Aust Bank	73-650-5693	29/08/24	12	1,000,000.00	29/08/25 LTD
Total Investments:					\$ 44,834,712.87	

Leeton Shire Council

Summary of Term Investments as at: 31/08/2024 **BBSW 90: 4.39%** **Average Yield: 4.96%**

Investment by Type		
Investment	Amount	%
AMP Bank	2,500,000	5.6%
Auswide Bank	1,000,000	2.2%
National Aust Bank	10,800,000	24.1%
ANZ Bank	1,000,000	2.2%
CBA Business Online Saver - Cash at Call (Ca	2,545,407	5.7%
AMP 31 Day Notice Account	5,651,075	12.6%
Macquarie Cash Management Accelerator	2,228,285	5.0%
Commonwealth Bank	500,000	1.1%
Westpac Bank	8,000,000	17.8%
Bendigo and Adelaide Bank	1,000,000	2.2%
Bank of Queensland	3,000,000	6.7%
Macquarie Bank	800,000	1.8%
AMP Business Saver Account	1,009,947	2.3%
Royal Bank of Canada	1,000,000	2.2%
Mystate Bank Ltd	500,000	1.1%
Suncorp-Metway Ltd	500,000	1.1%
Bank Australia	1,000,000	2.2%
Members Banking Group Ltd	800,000	1.8%
ING Bank	1,000,000	2.2%
TOTAL	44,834,713	100.0%
Local	2,545,407	5.68%
Non Local	42,289,306	94.32%

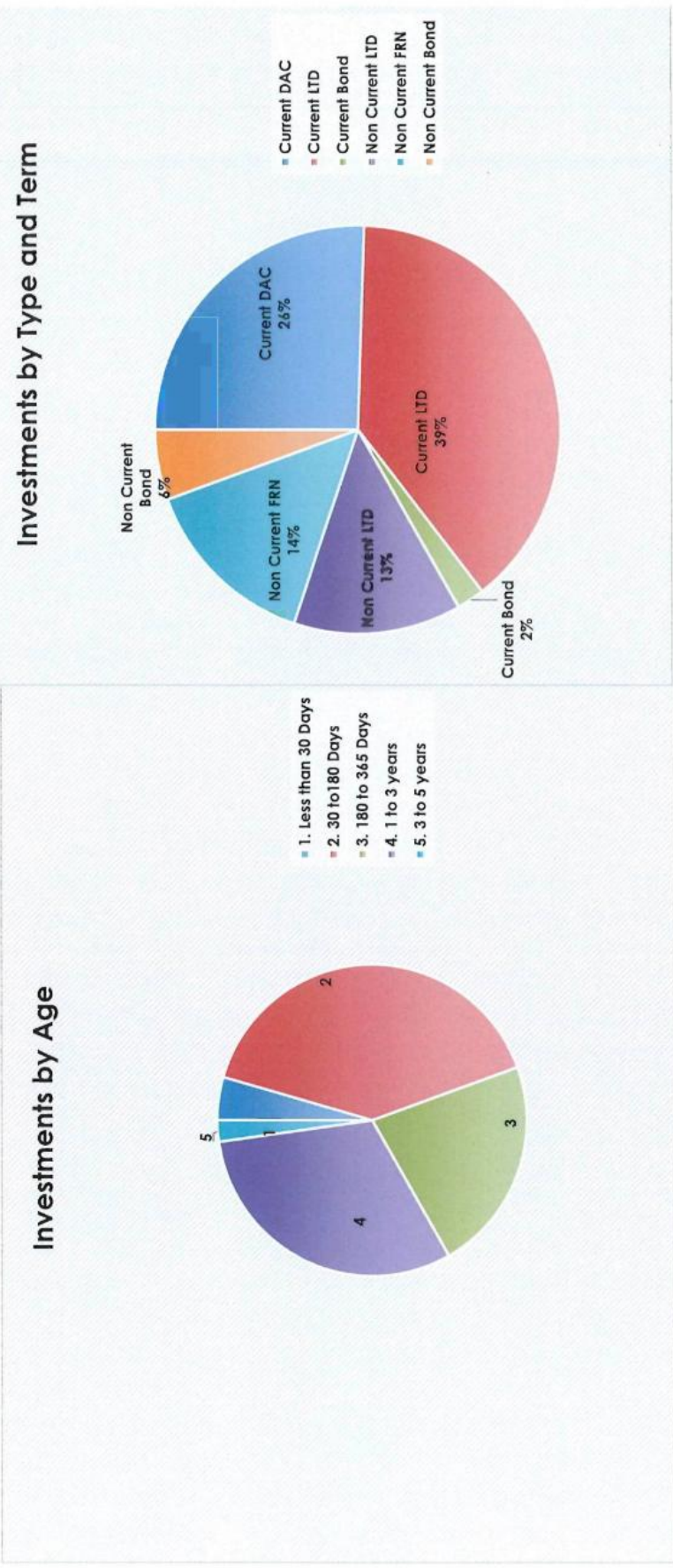
Investments by Age		
Age	Amount	%
1. Less than 30 Days	2,000,000	4%
2. 30 to 180 Days	17,934,713	40%
3. 180 to 365 Days	10,000,000	22%
4. 1 to 3 years	13,900,000	31%
5. 3 to 5 years	1,000,000	2%
TOTAL	44,834,713	100%

Investments by Age and Type		
Sum of Principal		Total
Current	DAC	11,434,713
	LTD	17,500,000
	Bond	1,000,000
Current Total		29,934,713
Non Current	LTD	6,000,000
	FRN	6,400,000
	Bond	2,500,000
Non Current Total		14,900,000
Grand Total		44,834,713

DAC	Deposit At Call
LTD	Long Term Deposit
FRN	Floating Rate Notes
Bond	Long Term Bond

Leeton Shire Council

Summary of Term Investments as at: **31/08/2024** BBSW 90: **4.39%** Average Yield: **4.96%**



Explanatory notes:
 All investments noted above were made in accordance with the Act, the regulations and Council's Investment Policy

[Signature]
 Responsible Accounting Officer
 21 October, 2024

ITEM 8.2.2. INVESTMENT REPORT FOR SEPTEMBER 2024

AUTHOR/S: Accountant
APPROVER/S: Manager Finance
 Director Corporate/CFO

SUMMARY/PURPOSE

This report provides details of the performance of Council's investment portfolio for the period ending 30 September 2024.

RECOMMENDATION

THAT Council notes the information contained in the Investments Report for September 2024.

REPORT

(a) Background

This report is required to be prepared monthly and presented at the next available Ordinary Council meeting in accordance with Clause 212 of the Local Government (General) Regulation 2021.

(b) Discussion

Council's cash and investment holdings total \$56,269,926.

As at 30 September 2024, Leeton Shire Council has \$54,909,223 invested in Approved Deposit Institutions (ADIs) of which \$6,055,982 (11.03%) is invested with local bank branches.

Attached to this report is a Statement of Bank Reconciliation (**Attachment 1**) and a Summary of Investments (**Attachment 2**) as at 30 September 2024.

The Statement of Bank Reconciliation reconciles the Bank Statement balances to the General Ledger at 30 September 2024 by taking into account unrepresented cheques, unrepresented deposits, and unrepresented debits.

The Summary of Investments details all the investments held by Leeton Shire Council as at 30 September 2024. The following table details the total Cash, Cash Equivalents and Investment holdings:

Cash in Transaction Account	\$ 1,360,703
Deposits At Call Accounts	\$21,509,223
Investments	\$33,400,000
TOTAL	\$56,269,926

The table below details the monthly movements of investments for September 2024:

Opening Investments Balance	\$ 44,834,713
Less:	
Maturities (2)	\$ 2,000,000
Transfer to CBA Current Account	\$ 0
Subtotal	\$ 42,834,713
Plus:	
Roll-overs (2)	\$ 2,000,000
New Investments	\$ 10,000,000
CBA Business Online Saver (BOS) movements	\$ 10,576
AMP Business Saver Account	\$ 116
AMP 31 Day Notice Account	\$ 55,139
Macquarie Cash Management Accelerator Account	\$ 8,679
Closing Investments Balance	\$ 54,909,223
Add back Cash in Transaction accounts	1,360,703
Total Cash and Investments	\$ 56,269,926

The following table details the break-up of investments according to the restrictions which are placed on them based on the Notes to the Financial Statements (Unaudited) 30 June 2024:

Total Cash and Investments	\$ 56,269,926
Less restrictions	
Water Supply (Excl. Unfinished Works)	\$ 19,755,510
Sewerage Services (Excl. Unfinished Works)	\$ 9,788,670
Domestic Waste Management	\$ 5,404,715
*Other external restrictions	\$ 7,841,529
External Restrictions (Excl. Unfinished Works) - Sub Total	\$ 42,790,424
Internal restrictions (Excl. FAG Prepayment)	\$ 9,879,836
Total restrictions	\$ 52,670,260
Operating Capital	\$ 3,599,666

*Includes - Unspent Grants Restrictions, Stormwater Levy Restriction, Deposits, Retentions and Bonds

Externally restricted funds can only be used for the purposes for which they were raised. These include water, sewer, domestic waste operations and unexpended specific purpose grants.

Internally restricted funds are set aside through Council resolution for specific purposes such as plant replacement, infrastructure renewal or funded provisions. Internal restrictions are considered as part of the Budget adoption or the Quarterly Budget Review process.

Operating Capital is used to provide working capital for Council to fund short-term operations, current Capital works program, and fluctuations in payables and receivables.

Water Investments Summary

In accordance with Murrumbidgee Irrigation (MI) records, the total Water Licences held are 5,584 ML. As of the 9 September 2024 Water Allocation update, Murrumbidgee General Security has a 34% allocation, High Security has 95% allocation:

Water Entitlements	Entitlement	Allocation (%)	Total Allocation (ML)	Usage to date	Sales this month	Total Volume Sold (ML)	Estimated Remaining Usage + 10% Safety Margin*	Allocation Available For Sale (ML)
Town Water High Security	4,097	100%	4,097	540	-	-	1,698	500
Investment Water								
High Security	971	95%	922		20	830		92
General Security	516	34%	175			-		170
Total	5,584		5,194		20	830		762

* In accordance with the Temporary Sale of Water Allocation Policy, Council can sell up to 500ML of Town Water up until 31 October. From 1 November, the available allocation for sale is the balance of usage to date less the remaining expected water demand after a 10% safety margin applied.

Year to date, Council has undertaken temporary trade of 830 ML for \$ 102,418.00 (net of sale brokerage fees) as at 30 September 2024.

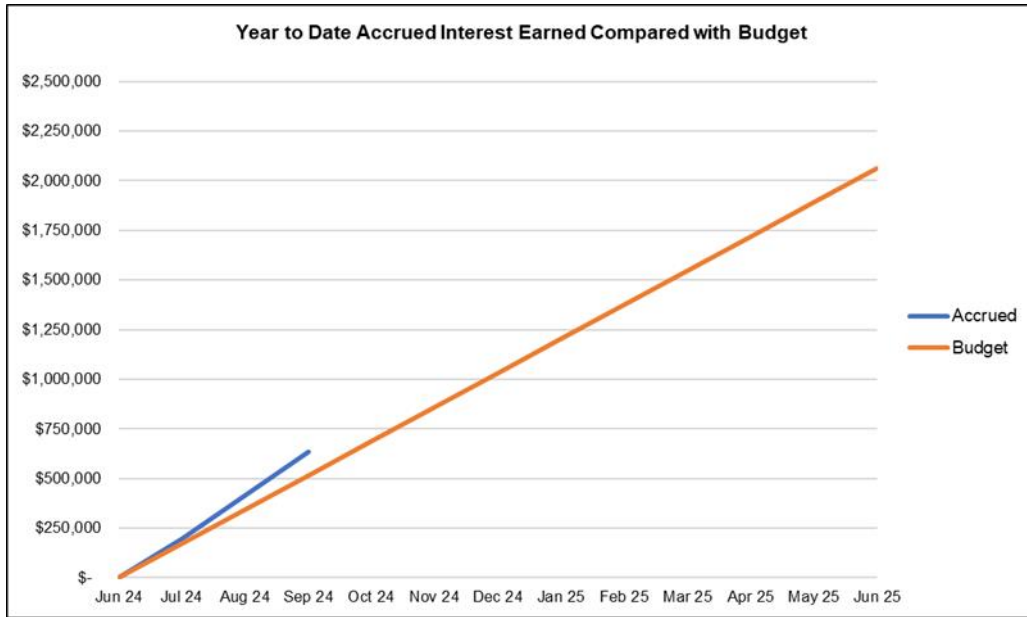
IMPLICATIONS TO BE ADDRESSED

(a) Financial

The annualised rate of return across the portfolio is 4.97% for September 2024.

Budgeted Interest for FY24/25 is \$2,061,682. The actual \$219,994 in interest earned for September 2024 is higher than the budgeted amount of \$171,807 by \$48,187.

The following graph compares year-to-date interest with the budgeted interest for the period:



The consolidated actual investment income from 1 July 2024 to 30 September 2024 compared to the budgeted investment interest is detailed below:

Actual versus budgeted interest and earnings	Sep-24	Year To Date
Investments - Interest earned	\$ 137,362	\$ 443,062
Deposits at call	\$ 80,506	\$ 185,817
Rebates and Other earnings	\$ 2,126	\$ 4,552
Total Earnings	\$ 219,994	\$ 633,432
Budgeted Interest	\$ 171,807	\$ 515,420
Variance – Positive	\$ 48,187	\$118,011

Total investment income allocation by fund is detailed below:

Interest Apportionment	Sep-24	Year to Date
General Fund	\$ 72,555	\$ 262,043
Water Fund	\$ 82,240	\$ 249,671
Sewer Fund	\$ 40,502	\$ 121,718
Total Interest Earned	\$ 219,994	\$ 633,432

The following tables provide information on investment rates this year compared to last year, as well as a comparison of investment balances from this year to last year:

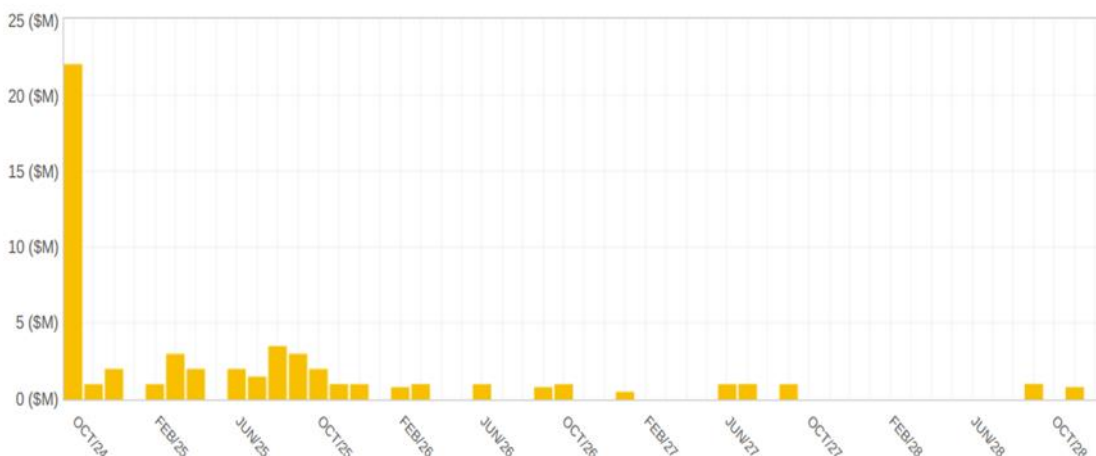
Performance Measures	Year to Date	Last Year (Sep)
Portfolio Average Interest Rate (YTD inc. Cash)	4.97%	4.22%
Investment Balances	Year to Date	Last Year
Opening Balance as at 1 Sep	\$44,834,713	\$49,917,105
Current Balance as at 30 Sep	\$54,909,223	\$50,976,386

Council Portfolio Compliance

Investment Maturing Profile

The portfolio remains lightly diversified from a maturity perspective with deposits maturing out to five (5) years. The graph below shows when Council's current investments mature and the related values:

Maturity Cash Flow Distribution



Financial Asset Allocation

Council's financial assets are invested as per the table below:

Investment Type	Risk Assessment		Investment Face Value	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	23,500,000	42.80%
Cash/At Call Deposits	Low	Low	21,509,223	39.17%
Floating Rate Notes	Low	Low	6,400,000	11.66%
Bonds	Low	Low	3,500,000	6.37%
TOTAL			54,909,223	100%

Counterparty

As at the end of September 2024, Council did not have an overweight position to any single Authorised Deposit Taking Institution. However, Council's aggregate exposure to AMP (BBB+) is just under the Policy Limit of 30% or around 24% of the portfolio is allocated to AMP Notice Account. Overall, the portfolio is well-diversified across the investment grade spectrum (all are rated BBB or higher).

All aggregate ratings categories are within the Investment Policy limits:

Compliant	Issuer	Rating	Invested (\$) ^	Invested (%)	Max. Limit (%)	Available (\$)
✓	ANZ (Suncorp) Covered	AAA	\$502,344	0.91%	45%	\$24,226,849
✓	RBC Covered	AAA	\$1,007,743	1.83%	45%	\$23,721,450
✓	ANZ Bank	AA-	\$1,020,215	1.86%	45%	\$23,708,978
✓	Commonwealth Bank	AA-	\$6,557,040	11.93%	45%	\$18,172,153
✓	National Australia Bank	AA-	\$10,807,115	19.67%	45%	\$13,922,078
✓	Westpac	AA-	\$8,000,000	14.56%	45%	\$16,729,193
✓	Macquarie	A+	\$3,039,833	5.53%	35%	\$16,193,984
✓	ING Bank	A	\$1,000,000	1.82%	35%	\$18,233,817
✓	Bendigo and Adelaide	A-	\$991,431	1.80%	35%	\$18,242,386
✓	BoQ	A-	\$2,991,394	5.44%	35%	\$16,242,423
✓	AMP Bank	BBB+	\$15,716,276	28.60%	30%	\$769,852
✓	Bank Australia	BBB+	\$1,007,172	1.83%	30%	\$15,478,957
✓	RACQ Bank (Qbank)	BBB+	\$805,039	1.46%	30%	\$15,681,090
✓	Auswide Bank	BBB	\$1,006,426	1.83%	30%	\$15,479,703
✓	MyState Bank	BBB	\$501,734	0.91%	30%	\$15,984,395
			\$54,953,763	100.00%		

^Note valuations of Council's senior FRNs on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date.

Credit Quality

The following table details the credit rating of each of the categories in which Council has money invested. The portfolio remains well diversified from a credit ratings perspective with the portfolio spread across the entire credit spectrum. All investments are compliant with Council's Investment Policy.

Compliant	Credit Rating	Invested (\$)	Invested %	Max. Limit (%)
Yes	AAA Category	\$ 1,510,087	2.75%	100.00%
Yes	AA Category	\$26,384,370	48.01%	100.00%
Yes	A Category	\$ 8,022,658	14.60%	80.00%
Yes	BBB Category	\$19,036,648	34.64%	70.00%
Yes	Unrated ADI's	\$0	0.00%	30.00%
		\$54,953,763	100.00%	

*Note: Valuations of Council's senior Floating Rate Notes on the Imperium Markets platform are marked-to-market and priced on a daily basis from an independent third-party provider. Council has recorded its FRNs internally at the purchase price or face value. As such, the total portfolio's balance is likely to differ as at the reporting date. (Ario Advisory)

Maximum Limit Percentage is based on the Revised Investment Policy for 2022.

(b) Policy

Investment Policy

(c) Legislative / Statutory

All funds are invested in accordance with section 625 of the *Local Government Act 1993* and the Ministerial Investment Order.

Local Government (General) Regulation 2021
Local Government Act 1993

CONSULTATION

(a) External

Council's investment advisor is Arlo Advisory for financial investment advice during the month of September 2024.

(b) Internal

General Manager
Director Operations

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.7 Deploy reliable and efficient corporate management - financial, asset, property, records, information technology, buildings and plant/fleet in accordance with relevant legislation including *Government Information (Public Access) Act 2009*

9. Governance and Corporate Services


9.7 Deploy reliable and efficient financial management and administration


9.7.3 Practice sound financial management

ATTACHMENTS

Attachment 1 – Bank Reconciliation September 2024

Attachment 2 – Investments September 2024

MONTH END BANK RECONCILIATION REPORT		
Prepared by the Accountant		
INTRODUCTION		
The purpose of this report is to inform Council of its position in respect of bank balances.		
BACKGROUND		
This report is prepared monthly and presents movements in the Council's bank account.		
BANK RECONCILIATION STATEMENT		
as at 30 September 2024		
BALANCE AS PER GENERAL LEDGER		
Opening Balance:	1/09/2024	\$ 13,225,033.07
September Movements:		-\$ 11,792,158.66
Closing Balance:	30/09/2024	<u>\$ 1,432,874.41</u>
Less Unprocessed Bank Statement Transactions:		-\$ 72,171.17
Total:		<u><u>\$ 1,360,703.24</u></u>
BALANCE AS PER BANK STATEMENTS		
		<u>\$ 2,061,896.19</u>
Less Unpresented Cheques		-\$ 701,307.35
Less Unpresented Debits		
Plus Unpresented Deposits		\$ 114.40
Total		<u><u>\$ 1,360,703.24</u></u>
 _____ Responsible Accounting Officer 18 October 2024		

MONTH END BANK RECONCILIATION REPORT		
Prepared by the Accountant		
<u>INTRODUCTION</u>		
The purpose of this report is to inform Council of its position in respect of bank balances.		
<u>BACKGROUND</u>		
This report is prepared monthly and presents movements in the Council's bank account.		
BANK RECONCILIATION STATEMENT		
as at 30 September 2024		
BALANCE AS PER GENERAL LEDGER		
Opening Balance:	1/08/2024	\$ 11,434,712.87
June Movements:		
Transfer from CBA Working Account		\$ 10,000,000.00
Interest Earned		\$ 74,509.81
Closing Balance:	31/08/2024	<u>\$ 21,509,222.68</u>
Less Unprocessed Bank Statement Transactions:		
Total:		<u><u>\$ 21,509,222.68</u></u>
BALANCE AS PER BANK STATEMENTS		<u>\$ 21,509,222.68</u>
Less Unpresented Cheques		
Add Unpresented Credit		
Plus Unpresented Deposits		
Total		<u><u>\$ 21,509,222.68</u></u>
 <hr/> Responsible Accounting Officer 18 October 2024		

Leeton Shire Council

Summary of Term Investments as at: 30/09/2024										BBSW 90: 4.43%	Average Yield: 4.97%
Inv No	Financial Institution/Broker	Investment	Note	Ref No	Investment Date	Investment Term (months)	Remainin g Term (months)	Principal	Yield %	Maturity	Type
10-00	Commonwealth Bank Lin	CBA Business Online Saver - AMP Business Saver Account	Cash	10206481	12/10/09	180	0	6,055,982.26	4.05%	21/10/24	DAC
20-00	AMP Bank	AMP 31 Day Notice Account		437864762	10/07/20	51	0	10,062.69	3.10%	21/10/24	DAC
21-00	AMP Bank	Macquarie Cash Management		971165956	17/07/20	52	1	13,206,213.78	5.30%	21/11/24	DAC
22-00	Macquarie Bank	Accelerator Account		940367790	07/11/20	47	0	2,236,963.95	4.65%	21/10/24	DAC
23-15	Curve Securities Pty Ltd	Members Banking Group Ltd		AU3FN0075453	24/02/23	36	16	800,000.00	5.85%	24/02/26	FRN
23-16	Laminar Capital	Auswide Bank		AU3FN0076352	17/03/23	36	17	1,000,000.00	5.82%	17/03/26	FRN
22-21	Commonwealth Bank Lin	Commonwealth Bank		AU3FN0065579	14/01/22	60	27	500,000.00	5.05%	14/01/27	FRN
23-01	Commonwealth Bank Lin	Royal Bank of Canada		AU3FN0070025	13/07/22	60	33	500,000.00	5.40%	13/07/27	FRN
23-10	Laminar Capital	MyState Bank Ltd		AU3FN0072369	13/10/22	36	12	500,000.00	5.45%	13/10/25	FRN
23-11	Commonwealth Bank Lin	Suncorp-Metway Ltd		AU3FN0072617	17/11/22	36	12	500,000.00	5.32%	17/11/25	FRN
23-13	Curve Securities Pty Ltd	Bank Australia		AU3FN0073797	24/11/22	36	13	1,000,000.00	5.95%	24/11/25	FRN
24-05	Commonwealth Bank Lin	Macquarie Bank		AU3FN0081170	14/09/23	36	35	800,000.00	5.19%	14/09/26	FRN
24-11	Commonwealth Bank Lin	National Aust Bank		AU3FN0082996	16/11/23	36	35	800,000.00	5.40%	16/11/28	FRN
22-23	Commonwealth Bank Lin	Bendigo and Adelaide Bank		8156149	17/03/22	36	5	1,000,000.00	3.00%	17/03/25	Bond
22-27	Commonwealth Bank Lin	Bank of Queensland		AU3CB0288843	29/04/22	42	12	1,000,000.00	4.00%	29/10/25	Bond
23-02	Commonwealth Bank Lin	Royal Bank of Canada		AU3CB0290682	13/07/22	60	33	500,000.00	4.50%	13/07/27	Bond
24-07	Laminar Capital	ANZ Bank		AU3CB0302404	22/09/23	59	47	1,000,000.00	4.95%	11/09/28	Bond
22-17	Westpac Bank	Westpac Bank		9563400	11/11/21	36	1	1,000,000.00	1.60%	11/11/24	LTD
23-21	National Aust Bank	National Aust Bank		36-359-9876	08/06/23	24	8	1,000,000.00	5.17%	08/06/25	LTD
23-22	Bank of Queensland	Bank of Queensland		772448	21/06/23	48	32	1,000,000.00	5.40%	21/06/27	LTD
24-06	Westpac Bank	Westpac Bank		11067864	14/09/23	48	35	1,000,000.00	4.94%	14/09/27	LTD
24-08	Bank of Queensland	Bank of Queensland		833891	29/09/23	24	11	1,000,000.00	5.23%	29/09/25	LTD
24-09	National Aust Bank	National Aust Bank		89-130-6344	06/10/23	12	0	500,000.00	5.25%	06/10/24	LTD
24-10	Westpac Bank	Westpac Bank		11154604	26/10/23	36	24	1,000,000.00	5.38%	26/10/26	LTD
24-12	Westpac Bank	Westpac Bank		11256899	11/12/23	12	2	1,000,000.00	5.27%	11/12/24	LTD
24-13	AMP Bank	AMP Bank		TD869330126	15/12/23	24	14	1,000,000.00	5.45%	15/12/25	LTD
24-14	AMP Bank	AMP Bank		TD518603931	21/12/23	11	2	1,000,000.00	5.40%	19/12/24	LTD
24-15	Westpac Bank	Westpac Bank		11408864	27/02/24	12	4	1,000,000.00	5.14%	27/02/25	LTD
24-16	Westpac Bank	Westpac Bank		11469068	22/03/24	11	4	1,000,000.00	5.06%	24/02/25	LTD
24-17	National Aust Bank	National Aust Bank		36-309-4165	22/03/24	12	5	1,000,000.00	5.02%	24/03/25	LTD
24-18	Westpac Bank	Westpac Bank		11505860	11/04/24	12	6	1,000,000.00	5.13%	11/04/25	LTD
24-19	Westpac Bank	Westpac Bank		11511980	15/04/24	12	6	1,000,000.00	5.12%	15/04/25	LTD
24-20	National Aust Bank	National Aust Bank		92-841-9765	24/06/24	12	8	1,000,000.00	5.24%	24/06/25	LTD
24-21	ING Bank	ING Bank		1243285	24/06/24	23	20	1,000,000.00	5.12%	24/06/26	LTD
25-01	National Aust Bank	National Aust Bank		98-095-1687	11/07/24	12	9	1,500,000.00	5.40%	11/07/25	LTD
25-02	AMP Bank	AMP Bank		TD528016306	08/08/24	12	10	500,000.00	5.20%	08/08/25	LTD

Leeton Shire Council

		Summary of Term Investments as at: 30/09/2024		BBSW 90: 4.43%	Average Yield: 4.97%		
25-03	National Aust Bank	89-019-7190	15/08/24	12	10	15/08/25	LTD
25-04	National Aust Bank	73-650-5693	29/08/24	12	10	29/08/25	LTD
25-05	National Aust Bank	47-016-9900	11/09/24	12	11	11/09/25	LTD
25-06	National Aust Bank	37-177-7994	27/09/24	12	11	29/09/25	LTD
				Total Investments:		\$ 54,909,222.68	

Leeton Shire Council

Summary of Term Investments as at: 30/09/2024

BBSW 90: 4.43% Average Yield: 4.97%

Investment by Type		
Investment	Amount	%
AMP Bank	2,500,000	4.6%
Auswide Bank	1,000,000	1.8%
National Aust Bank	10,800,000	19.7%
ANZ Bank	1,000,000	1.8%
CBA Business Online Saver - Cash at Call (Cash	6,055,982	11.0%
AMP 31 Day Notice Account	13,206,214	24.1%
Macquarie Cash Management Accelerator A	2,236,964	4.1%
Commonwealth Bank	500,000	0.9%
Westpac Bank	8,000,000	14.6%
Bendigo and Adelaide Bank	1,000,000	1.8%
Bank of Queensland	3,000,000	5.5%
Macquarie Bank	800,000	1.5%
AMP Business Saver Account	10,063	0.0%
Royal Bank of Canada	1,000,000	1.8%
MyState Bank Ltd	500,000	0.9%
Suncorp-Metway Ltd	500,000	0.9%
Bank Australia	1,000,000	1.8%
Members Banking Group Ltd	800,000	1.5%
ING Bank	1,000,000	1.8%
TOTAL	54,909,223	100.0%
Local	6,055,982	11.03%
Non Local	48,853,240	88.97%

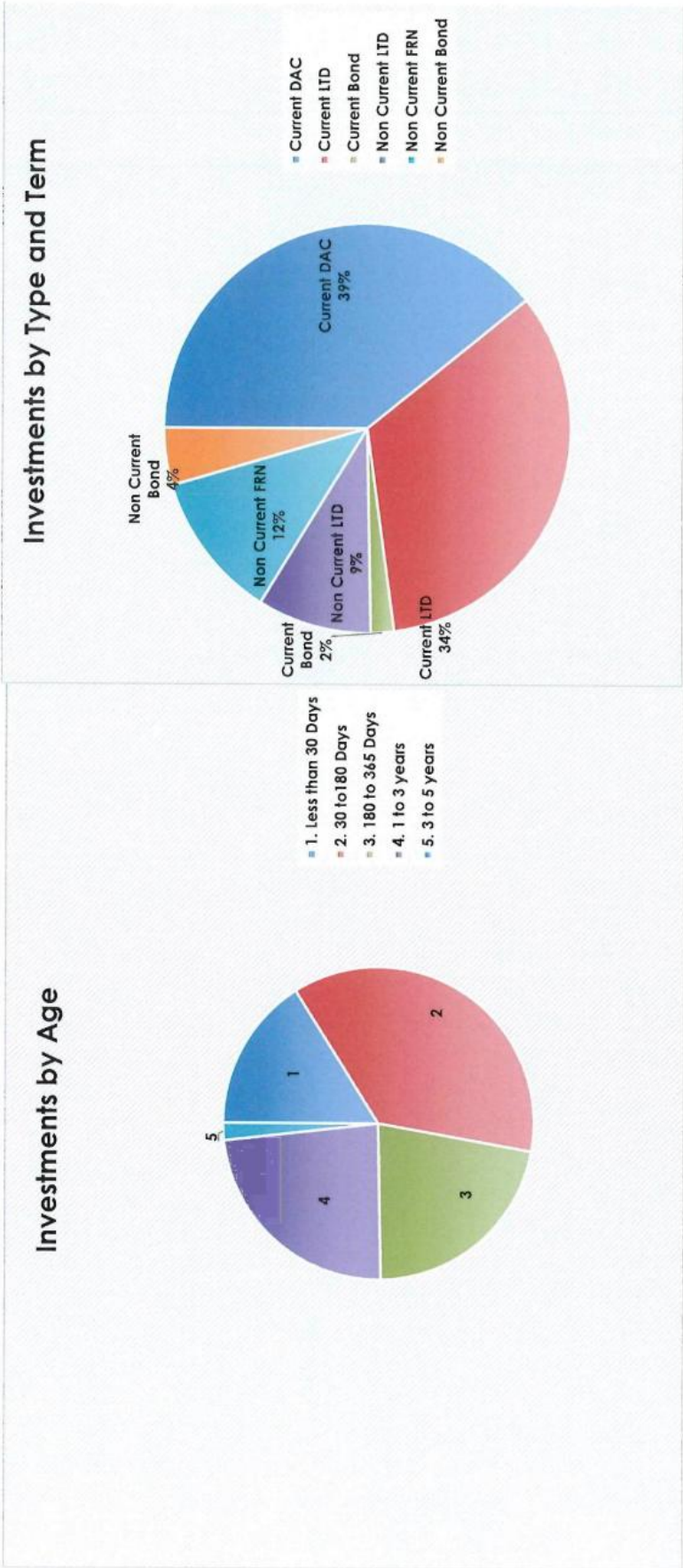
Investments by Age		
Age	Amount	%
1. Less than 30 Days	8,803,009	16%
2. 30 to 180 Days	20,206,214	37%
3. 180 to 365 Days	12,000,000	22%
4. 1 to 3 years	12,900,000	23%
5. 3 to 5 years	1,000,000	2%
TOTAL	54,909,223	100%

Investments by Age and Type		
Sum of Principal		Total
Current	DAC	21,509,223
	LTD	18,500,000
	Bond	1,000,000
Current Total		41,009,223
Non Current	LTD	5,000,000
	FRN	6,400,000
	Bond	2,500,000
Non Current Total		13,900,000
Grand Total		54,909,223

DAC	Deposit At Call
LTD	Long Term Deposit
FRN	Floating Rate Notes
Bond	Long Term Bond

Leeton Shire Council

Summary of Term Investments as at: 30/09/2024 BBSW 90: 4.43% Average Yield: 4.97%



Explanatory notes:
 All investments noted above were made in accordance with the Act, the regulations and Council's Investment Policy

[Signature]
 Responsible Accounting Officer
 21 October, 2024

ITEM 8.2.3. ANNUAL DISCLOSURES OF INTEREST RETURNS BY COUNCILLORS AND DESIGNATED PERSONS - 1 JULY 2023 TO 30 JUNE 2024

AUTHOR/S: Manager Governance, Corporate & Customer Service
APPROVER/S: Director Corporate/CFO

SUMMARY/PURPOSE

The purpose of this report is to advise Council that the Annual Disclosure of Interest Returns by eight (8) out of the nine (9) Councillors, senior management and designated persons for the period 1 July 2023 to 30 June 2024 were submitted in the appropriate form, by the deadline of 30 September 2024 and have been made publicly available on Council's website.

RECOMMENDATION

THAT Council:

1. Notes for information that the 2023/2024 Annual Disclosure of Interest Returns have been submitted as required, on time, and have been made publicly available by eight (8) out of the nine (9) Councillors, senior management, and designated persons have been submitted as required.
 2. Notes for the record that former Councillor Matthew Holt did not return a completed Annual Disclosure of Interest Return.
-

REPORT

(a) Background

Under Clause 4.21 of Leeton Shire Council's Code of Conduct, Councillors and designated persons must make and lodge annually with the General Manager a return in the form set out in Schedule 1.

Council must make all returns of interest publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the NSW Information Commissioner.

(b) Discussion

Annual Disclosure of Interest Returns forms by eight (8) out of the nine (9) Councillors, senior management and designated persons for the period 1 July 2023 to 30 June 2024 were submitted in the appropriate form, been lodged and have been made publicly available on Council's website by the deadline of 30 September 2024.

It is to be noted that even after numerous attempts (at least five) by Council staff during the months of July to September 2024, as of Tuesday 22 October 2024 former Cr. Matthew Holt is yet to return his completed annual Disclosure of Interest Returns for the period 1 July 2023 to 30 June 2024. Staff do not intend to pursue the matter further other than to note the situation in this report to Council and notify the Office of Local Government (OLG).

The OLG does an annual audit on all Councils with regards to compliance and may provide further advice or recommend further action in regards the outstanding Disclosure.

(c) Options

Nil – This report is for noting only.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil

(b) Policy

Code of Conduct – Section Five: Pecuniary Interests

(c) Legislative/Statutory

Local Government (General) Regulation 2021

Local Government Act 1993

Government Information (Public Access) Act 2009

Government Information (Public Access) Regulation 2018 and guidelines issues by the Information Commissioner

Privacy and Personal Information Protection Act 1998

(d) Risk

Corporate Risk – Councillors, senior staff and designated persons have obligations under the Code of Conduct to submit pecuniary interest returns.

Non-submission of a pecuniary interest disclosure form is potentially a breach of the Code of Conduct.

CONSULTATION

(a) External

Office of Local Government (OLG)
Information and Privacy Commission (IPC)

(b) Internal

Councillors
Senior Management Team
Management

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

9. Governance and Administration

9.3 Provide respected and effective representation, leadership and advocacy

This is in accordance with the Councilor Induction and Professional Development

Guidelines and Committee Terms of Reference

9.7 Deploy reliable and efficient corporate management - financial, asset, property, records, information technology, buildings and plant/fleet in accordance with relevant legislation including Government Information (Public Access) Act 2009

9. Governance and Corporate Services

9.6 Deploy reliable and efficient governance, audit, risk and improvement services

9.6.4 Maintain a Compliance Register to track Council's compliance with all legislative and governance requirements

ATTACHMENTS

Nil

8.3. OPERATIONAL MATTERS

ITEM 8.3.1. MINUTES OF THE LOCAL AREA TRAFFIC COMMITTEE MEETING OCTOBER 2024

AUTHOR/S: Road Safety Officer

APPROVER/S: Manager Roads & Drainage
Director of Operations

SUMMARY/PURPOSE

The purpose of this report is to provide the agenda (**Attachment 1**) and minutes (**Attachment 2**) of the Local Area Traffic Committee (LATC) meeting held on 8 October 2024, for Council's information and request Council's endorsement of the recommendations made by the LATC.

RECOMMENDATION

THAT Council notes the minutes for information and endorses the recommendations of the Local Area Traffic Committee meeting held on 8 October 2024.

REPORT

(a) Background

The Local Area Traffic Committee (LATC) is a technical review Committee which advises on matters referred to Council. These matters are related to prescribed traffic control devices and facilities for which Council has delegated authority. Council must refer all traffic related matters to the LATC prior to exercising its delegated functions. All recommendations of the LATC must be referred to Council for adoption prior to enactment.

(b) Discussion

The LATC meeting held on 8 October 2024, addressed the following agenda (**Attachment 1**) items:

1. Special Event Request – Remembrance Day 2024
2. Special Event Request - Leeton Alive Events 9 and 23 November 2024

(c) Options

THAT Council:

1. Notes for information the minutes of the Local Area Traffic Committee meeting held on 8 October 2024 and endorses the recommendations made by the LATC ***This is the recommended option.***
2. Does not endorse the Local Area Traffic Committee recommendations, noting there is a process that should be followed when such occasions occur.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Road closures associated with Leeton Alive are all grant funded through the NSW Government open Street Program.

The Remembrance event traffic arrangements are funded through Councils Budget.

(b) Policy

Operational Plan 2024/2025
Code of Conduct
Code of Meeting Practice

(c) Legislative/Statutory

Roads Act 1993

Delegation of Authority passed from Roads and Maritime Services to Local Traffic Committees.

(d) Risk

All risks have been addressed within the Local Area Traffic Committee Report prior to any endorsement from the Local Area Traffic Committee

CONSULTATION

(a) External

Murrumbidgee Police District
Transport for NSW
Delegate for the Local Member of the Murray Electorate (NSW Government)

(b) Internal

Events Officer

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

6. Roads and Drainage
6.5 Provide road safety programs, including roadside vegetation management, permitting, traffic management and accident assistance

6. Roads and Drainage
6.5 Optimise road safety
6.5.3 Promote road safety through design and appropriate regulation

ATTACHMENTS

1. Attachment 1 - Agenda - Leeton Local Traffic Committee - 8 October 2024 [**8.3.1.1** - 49 pages]
2. Attachment 2 - Minutes - Leeton Local Traffic Committee - 8 October 2024 [**8.3.1.2** - 4 pages]



Agenda
Leeton Local Traffic Committee
Tuesday 8 October 2024
10:00 am

TO BE HELD IN THE ELECTRONIC MEETING

Authorised for release: Governance Department

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1. OPEN MEETING

Meeting commenced at 00:00 am/pm

2. ACKNOWLEDGEMENT OF COUNTRY

Leeton Shire Council acknowledges the Wiradjuri People and their continued impact on our Community.

We acknowledge their connection to the land, water and sky.

We acknowledge all Aboriginal people who have made the Leeton Shire their home.

As such we pay our respects to all Aboriginal Elders, past, present and emerging of our Shire.

3. ATTENDANCE/PRESENT

4. APOLOGIES

6. MINUTES FROM THE PREVIOUS MEETING

RECOMMENDATION

THAT the Minutes of the Leeton Local Traffic Committee held on DATE HERE, as circulated, be taken as read and CONFIRMED.

11. GENERAL BUSINESS

11.1. SPECIAL EVENT REQUEST - REMEMBRANCE DAY - 11 NOVEMBER 2024

AUTHOR/S: Road Safety Officer

SUMMARY/PURPOSE

The purpose of this report is to seek the Committee's approval to run the Leeton Remembrance Day Service at the Cenotaph located on Pine Avenue/Kurrajong Avenue, Leeton on the 11 November 2024 from 10:00am-11.30am.

RECOMMENDATION

THAT the Committee endorses Leeton Shire Council to hold the Leeton Remembrance Day Service on 11 November 2024 on Pine Avenue/MR80 as per the Traffic Guidance System subject to the schedule of conditions as outlined in the RMS Guide to Traffic and Transport Management for Special Events including the following conditions:

1. The event is conducted as per times, location of conditions and circumstances that are indicated in the application documents.
 2. A certified Traffic Control Plan for the event is to be prepared, implemented monitored and decommissioned by an accredited person.
 3. Event organisers and participants immediately obey all directions by police.
 4. Event organisers and participants immediately obey all direction by Leeton Shire Council Officers.
 5. Advertising of the event is to take place in local social media and newspapers two weeks prior to the event, to ensure locals are aware of the event.
 6. Public Liability insurance is to include Transport for NSW, NSW Police and Leeton Shire Council as interested parties.
 7. Failure to comply with any of the above conditions will immediately void this approval.
-

REPORT

The 2021 Remembrance Day service received some feedback from the local police after the service that they had received feedback from residents that they were unaware that an event was occurring and were unsure on the traffic arrangements in the area causing confusion between motorists.

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024

The 2023 Remembrance Day event was held with the proposed Traffic Guidance Scheme (TGS) in place and no issues/concerns were raised. The TGS lowers the speed limit from 50km/hr to 40km/r and has "Event in Progress" signage on the approaches to the roundabout. The Remembrance Day event is a service only with no march to be held.

The event will also be heavily advertised to inform residents that a service will be taking place, but no road closures will be in place for the service duration.

The special event request form is attached (**Attachment 1**) which includes the Traffic Control Plan, Risk Assessment, Newspaper advertisement and notifications of the event.

[ATTACHMENTS](#)

Special Event Resources

Special Event Transport Management Plan Template

Refer to Chapter 7 of the Guide for a complete description of the Transport Management Plan

I EVENT DETAILS

I.1 Event summary

Event Name: 2024 Remembrance Day service
Event Location: Leeton Cenotaph - Pine/Kurrajong Ave & Wade Ave/Chelmsford Pl, Leeton
Event Date: 11/11/24 Event Start Time: 10.30am Event Finish Time: 11.15am
Event Setup Start Time: 10am Event Packdown Finish Time: 11.30am
Event is off-street on-street moving on-street non-moving
 held regularly throughout the year (calendar attached)

I.2 Contact names

Event Organiser * Leeton Sub Branch, Returned & Services League of Australia (NSW Branch)
Phone:..... Fax:..... Mobile:..... E-mail: leetonsb@rslr
Event Management Company (if applicable).....
Phone:..... Fax:..... Mobile:..... E-mail:.....
Police Leeton Police - 24 Oak Street, Leeton
Phone: 6953 1399 Fax:..... Mobile:..... E-mail:.....
Council Leeton Shire Council
Phone: 6953 0911 Fax:..... Mobile:..... E-mail:.....
Roads & Traffic Authority (if Class I).....
Phone:..... Fax:..... Mobile:..... E-mail:.....

**Note: The Event Organiser is the person or organisation in whose name the Public Liability Insurance is taken out.*

I.3 Brief description of the event (one paragraph)

Conduct of a service to commemorate Remembrance Day at the Leeton cenotaph.
Service only - no march.

2 RISK MANAGEMENT - TRAFFIC	
CLASS 1 CLASS 2 CLASS 3	2.1 Occupational Health & Safety - Traffic Control <input checked="" type="checkbox"/> Risk assessment plan (or plans) attached
	2.2 Public Liability Insurance <input checked="" type="checkbox"/> Public liability insurance arranged. Certificate of currency attached.
	2.3 Police <input checked="" type="checkbox"/> Police written approval obtained
	2.4 Fire Brigades and Ambulance <input checked="" type="checkbox"/> Fire brigades notified <input checked="" type="checkbox"/> Ambulance notified
3 TRAFFIC AND TRANSPORT MANAGEMENT	
CLASS 1 CLASS 2 CLASS 3	3.1 The route or location <input checked="" type="checkbox"/> Map attached
	3.2 Parking <input type="checkbox"/> Parking organised - details attached <input checked="" type="checkbox"/> Parking not required
	3.3 Construction, traffic calming and traffic generating developments <input type="checkbox"/> Plans to minimise impact of construction activities, traffic calming devices or traffic-generating developments attached <input checked="" type="checkbox"/> There are no construction activities, traffic calming devices or traffic-generating developments at the location/route or on the detour routes
	3.4 Trusts, authorities or Government enterprises <input type="checkbox"/> This event uses a facility managed by a trust, authority or enterprise; written approval attached <input checked="" type="checkbox"/> This event does not use a facility managed by a trust, authority or enterprise
	3.5 Impact on/of Public transport <input type="checkbox"/> Public transport plans created - details attached <input checked="" type="checkbox"/> Public transport not impacted or will not impact event
	3.6 Reopening roads after moving events <input type="checkbox"/> This is a moving event - details attached. <input checked="" type="checkbox"/> This is a non-moving event.
	3.7 Traffic management requirements unique to this event <input type="checkbox"/> Description of unique traffic management requirements attached <input checked="" type="checkbox"/> There are no unique traffic requirements for this event
	3.8 Contingency plans <input type="checkbox"/> Contingency plans attached

Class 1	Class 2	3.9 Heavy vehicle impacts	
		<input type="checkbox"/> Impacts heavy vehicles - RTA to manage <input checked="" type="checkbox"/> Does not impact heavy vehicles	
		3.10 Special event clearways	
		<input type="checkbox"/> Special event clearways required - RTA to arrange <input checked="" type="checkbox"/> Special event clearways not required	
4 MINIMISING IMPACT ON NON-EVENT COMMUNITY & EMERGENCY SERVICES			
CLASS 1	CLASS 2	4.1 Access for local residents, businesses, hospitals and emergency vehicles	
		<input type="checkbox"/> Plans to minimise impact on non-event community attached <input checked="" type="checkbox"/> This event does not impact the non-event community either on the main route (or location) or detour routes	
		CLASS 3	4.2 Advertise traffic management arrangements
			<input checked="" type="checkbox"/> Road closures or restrictions - advertising medium and copy of proposed advertisements attached <input type="checkbox"/> No road closures or restrictions but special event clearways in place - advertising medium and copy of proposed advertisements attached <input type="checkbox"/> No road closures, restrictions or special event clearways - advertising not required
			4.3 Special event warning signs
			<input checked="" type="checkbox"/> Special event information signs are described in the Traffic Control Plan/s <input type="checkbox"/> This event does not require special event warning signs
			4.4 Permanent Variable Message Signs
			<input checked="" type="checkbox"/> Messages, locations and times attached <input type="checkbox"/> This event does not use permanent Variable Message Signs
			4.5 Portable Variable Message Signs
			<input type="checkbox"/> The proposed messages and locations for portable VMS are attached <input checked="" type="checkbox"/> This event does not use portable VMS
5 PRIVACY NOTICE			

The "Personal Information" contained in the completed Transport Management Plan may be collected and held by the NSW Police, the NSW Roads and Traffic Authority (RTA), or Local Government.

I declare that the details in this application are true and complete. I understand that:

- The "personal information" is being collected for submission of the Transport Management Plan for the event described in Section 1 of this document.
- I must supply the information under the Road Transport Legislation (as defined in the *Road Transport (General) Act 1999*) and the *Roads Act 1993*.
- Failure to supply full details and to sign or confirm this declaration can result in the event not proceeding.
- The "personal information" being supplied is either my own or I have the approval of the person concerned to provide his/her "personal information".
- The "personal information" held by the Police, RTA or Local Government may be disclosed inside and outside of NSW to event managers or any other person or organisation required to manage or provide resources required to conduct the event or to any business, road user or resident who may be impacted by the event.
- The person to whom the "personal information" relates has a right to access or correct it in accordance with the provisions of the relevant privacy legislation.

6 APPROVAL

TMP Approved by: Event Organiser Date

7 AUTHORISATION TO *REGULATE TRAFFIC

Council's traffic management requirements have been met. Regulation of traffic is therefore authorised for all non-classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: Council Date

The RTA's traffic management requirements have been met. Regulation of traffic is therefore authorised for all classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: RTA Date


* "Regulate traffic" means restrict or prohibit the passage along a road of persons, vehicles or animals (Roads Act, 1993). Council and RTA require traffic to be regulated as described in the risk management plans with the layouts installed under the direction of a qualified person.

Schedule 1 Form - Notice of Intention to Hold a Public Assembly

SUMMARY OFFENCES ACT 1988 - Sec 23

To the Commissioner of Police

1	<p>I <u>Luke Mahalm</u> (name) of (address) on behalf of <u>Leeton RSL Sub Branch</u> (organisation) notify the Commissioner of Police that on the <u>11</u> (day) of <u>11</u> (month), <u>2024</u> (year), it is intended to hold</p> <p>either:</p> <p>(a) a public assembly, not being a procession, of approximately <u>100</u> (number) persons, which will assemble at <u>the Leeton RSL Sub Branch/Corraong Creek</u> (Place) at approximately <u>10:30</u> am/pm, and disperse at approximately <u>11:15</u> am/pm.</p> <p>or</p> <p>(b) a public assembly, being a procession of approximately (number) persons, which will assemble at approximately am/pm, and at approximately am/pm the procession will commence and shall proceed <i>(Specify route, any stopping places and the approximate duration of any stop; and the approximate time of termination. A diagram may be attached.)</i></p>
2	<p>The purpose of the proposed assembly is..... <u>to observe Remembrance Day at a port parade and minute silence</u> <u>led by the RSL Sub Branch</u></p>

3	<p>The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly <i>(strike out whichever is not applicable)</i>:</p> <p>(i) There will be <u>nil</u> (number) of vehicles and/or..... (number) of floats involved. The type and dimensions are as follows: </p> <p>(ii) There will be <u>1</u> (number) of bands, musicians, entertainers, etc. which will entertain or address the assembly. <input type="checkbox"/> <u>ugler</u> <input type="checkbox"/> <u>or</u> <input type="checkbox"/> <u>La</u> <input type="checkbox"/> <u>to</u> <input type="checkbox"/></p> <p>(iii) The following number and type of animals will be involved in the assembly: <u>Nil</u> </p> <p>(iv) Other special characteristics of the proposed assembly are as follows: <u>Sounding o</u> <input type="checkbox"/> <u>Leeton</u> <input type="checkbox"/> <u>ire Station</u> <input type="checkbox"/> <u>ren</u> <input type="checkbox"/> <u>to</u> <input type="checkbox"/> <u>ignal</u> <input type="checkbox"/> <u>t</u> <input type="checkbox"/> <u>art</u> <input type="checkbox"/> <u>o</u> <input type="checkbox"/> <u>a</u> <input type="checkbox"/> <u>inute</u> <input type="checkbox"/> <u>len</u> <input type="checkbox"/> <u>e</u> </p>
4	<p>I take responsibility for organising and conducting the proposed assembly.</p>
5	<p>Notices for the purposes of the <i>Summary Offences Act 1988</i> may be served upon me at the following address:</p> <p><u>183 Merungle Hill Road</u> <u>Leeton NSW 2705</u> </p> <p>..... Postcode.</p> <p>Telephone No. <u>0422 460 074</u></p>
6	<p>Signed <u></u></p> <p>Capacity/Title <input type="checkbox"/> <u>resident</u> <input type="checkbox"/> <u>Leeton RSL Su</u> <input type="checkbox"/> <u>ran</u> <input type="checkbox"/></p> <p>Date <u>24/09/2024</u></p>

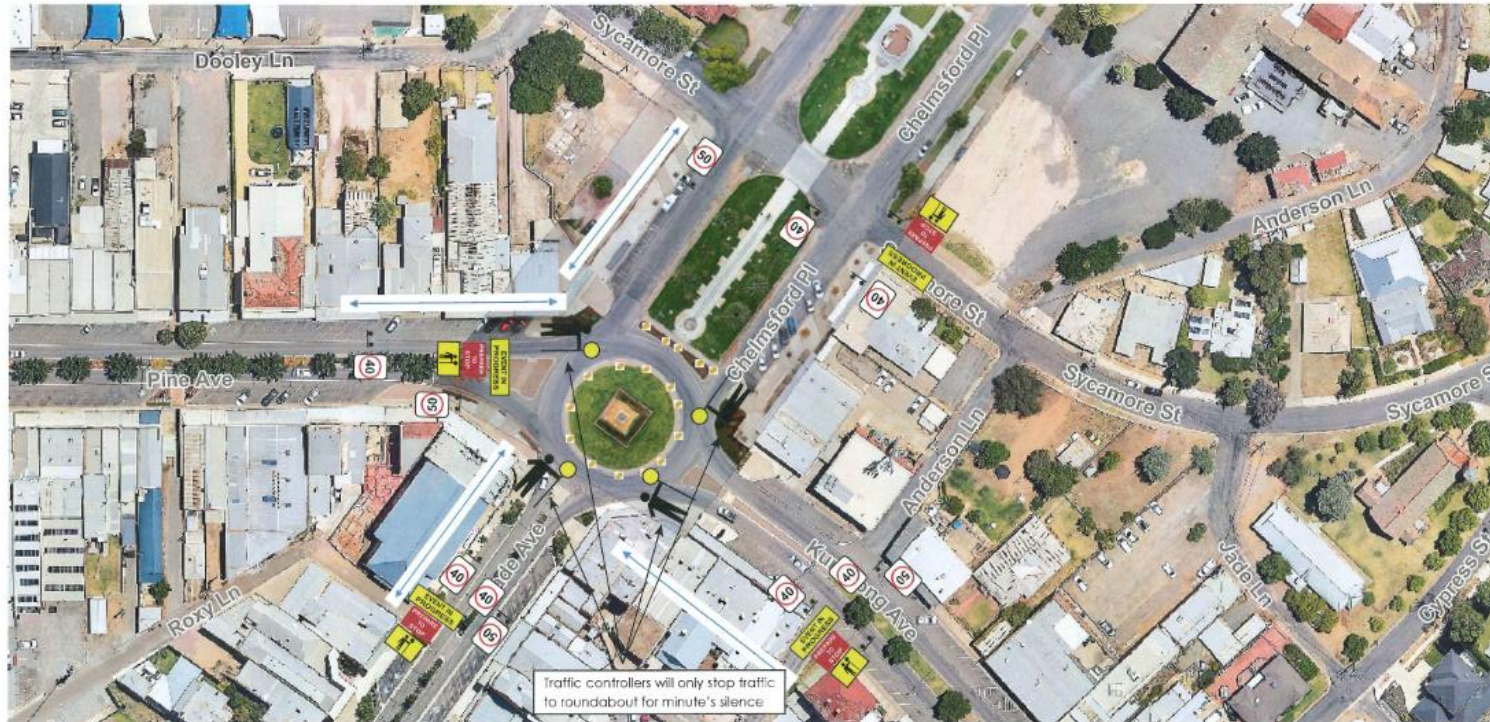
Special Event Planning & Resource Matrix

Event Class	Description	Features	Examples	Lead Times for Agency Approvals	Police Fees	Council Fees	RTA Fees	Transport Mgt Plan	Risk Management Plans (Traffic Control) under OH&S ACT 2000	Advertise Transport Management Arrangements	Liability Insurance	Special Event Clearway Heavy Vehicle Delours	Public Transport	Emergency Vehicle & Local Access	Parking	Contingency planning
1	A Class 1 event: <ul style="list-style-type: none"> impacts major traffic and transport systems disrupts the non-event community over a wide area requires the involvement of Police, one or more Councils and the RTA requires a detailed Transport Management Plan requires advertising the event's traffic aspects to a wide audience. 	A Class 1 event may: <ul style="list-style-type: none"> be conducted on-road or in its own venue involve trusts and authorities when using facilities managed by them involve Transport NSW involve the State Rail and State Transit Authorities involve private bus and coach organisations impact the road transport industry require RTA to provide special event clearways require RTA to provide heavy vehicle detour routes require the RTA to adjust traffic signals require RTA to manage Variable Message Signs depending on the nature of the event, invoke the Police "User Pays" policy. 	For example: <ul style="list-style-type: none"> an event that affects a principal transport route in Sydney, or an event that reduces the capacity of the main highway through a country town, or a bicycle race that involves the Sydney Harbour Bridge. 	Minimum 4 months from first approach to Council to proposed start date. 6 months for vehicle races.	Charges apply where: "It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."	As described in Council's Special Events Policy. Asset rentals: refer to Council.	Marginal costs apply where services are provided above those normally provided to the community. RTA provides quote. Asset rentals: refer to RTA.	TMP model recommended	Traffic Control layouts drawn up by a qualified person and installed under the guidance of a qualified person recommended. Need to consider access for disabled persons.	28 days for all events that require regulation of traffic or where special event clearways in operation. Not required where there is no regulation of traffic.	Required with Council & Police (if Police User Pays in force) named on policy. Also RTA if using RTA asset. Certificate of currency required.	RTA arranges if required. RTA provides quote.	Promoted where practicable	Required. Refer to TMP.	May be required. Need to consider parking for disabled persons.	Recommended
2	A Class 2 event: <ul style="list-style-type: none"> impacts local traffic and transport systems but does not impact major traffic and transport systems disrupts the non-event community in the area around the event but not over a wide area requires the involvement of Police and Local Council requires a detailed Transport Management Plan requires advertising the event's traffic aspects to the local community. 	A Class 2 event may: <ul style="list-style-type: none"> be conducted on-road or in its own venue involve trusts and authorities when using facilities managed by them involve State Rail and the State Transit Authority involve private bus and coach organisations. depending on the nature of the event, invoke the Police "User Pays" policy. 	For example: <ul style="list-style-type: none"> an event that blocks off the main street of a town or shopping centre but does not impact a principal transport route or a highway a motor rally on local country roads. 	Minimum 3 months. 3 months for vehicle races.	Charges apply where: "It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."	As described in Council's Special Events Policy. Asset rentals: refer to Council		TMP model recommended	Traffic Control layouts drawn up by a qualified person and installed under the guidance of a qualified person recommended. Need to consider access for disabled persons.	28 days for all events that require regulation of traffic or where special event clearways in operation. Not required where there is no regulation of traffic.	Required with Council & Police (if Police User Pays in force) named on policy. Certificate of currency required.		Promoted where practicable	Required. Refer to TMP.	May be required. Need to consider parking for disabled persons.	Recommended
3	A Class 3 event: <ul style="list-style-type: none"> does not impact local or major traffic and transport systems disrupts the non-event community in the immediate area only requires Local Council and Police consent is conducted on-street in a very low traffic area such as a dead-end or cul-de-sac requires Police agreement that event qualifies as Class 3 is never used for vehicle races. 	A Class 3 event, depending on Local Council policy, may: <ul style="list-style-type: none"> require a simplified Transport Management Plan not be available in all Council areas depending on the nature of the event, invoke the Police "User Pays" policy. require advertising the event's traffic aspects to the community. 	For example: <ul style="list-style-type: none"> an on-street neighbourhood Christmas party. 	Minimum 6 weeks	Charges apply where: "It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."	As described in Council's Special Events Policy. Asset rentals: refer to Council		Council may require TMP	Traffic Control layouts drawn up by a qualified person and installed under the guidance of a qualified person recommended. Need to consider access for disabled persons.	28 days for all events that require regulation of traffic. Not required where there is no regulation of traffic.	Required with Council & Police (if Police User Pays in force) named on policy. Certificate of currency required.			Required. Refer to TMP.		
4	A Class 4 event is intended for small on street events and <ul style="list-style-type: none"> requires Police consent only is within the capacity of the Police to manage on their own is not a protest or demonstration is always an on-street event does not require RTA or Council consent does not require advertising the event's traffic aspects to the community does not require a TMP does not require the involvement of other Government agencies. 	A Class 4 event may: <ul style="list-style-type: none"> be conducted on classified or unclassified roads cause zero to considerable disruption to the non-event community cross Police Local Area Commands (LACs) cross Local Government Areas (LGAs) require Council and RTA to assist when requested by Police depending on the nature of the event, invoke the Police "User Pays" policy. 	For example: <ul style="list-style-type: none"> a small ANZAC Day march in a country town a small parade conducted under Police escort. 	Minimum 1 month	Charges apply where: "It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."						Required if User Pays policy in force. Police named on policy. Certificate of currency required.					

LEETON SHIRE COUNCIL
 Leeton Local Traffic Committee Tuesday 8 October 2024



Date: 11 November 2024
Author: Salim Choudhury
Project: Leeton Remembrance Day 2024
Plan Number: EV 24-004



MANIFEST

- 7 x Speed Limit 40KM
- 4 x Speed Limit 50KM
- 4 x Event In Progress
- 4 x Prepare to Stop
- 4 x Lollipop Man
- 17 x Traffic Cones

Comments:

1. Erect signs in direction of normal traffic flow and remove in reverse order.
 2. Cover any conflicting signs.
 3. All work vehicles to be parked in workzone.
- This plan is based on the TCAWS Manual Ver 6 & AS 17423.
 D = 50km

Designed by: Salim Choudhury

Cert #: TCT1059497

Signature: *Salim Choudhury* **Date:** 25.09.2024

Approved by: Chris Lashbook

Cert #: TCT0013974

Signature: *Chris Lashbook* **Date:** 23-9-24

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024

THE RETURNED AND  SERVICES LEAGUE

PRESIDENT Luke Mahalm
HON. TREAS John Power
HON. SEC. Melissa Beecham

OF AUSTRALIA
(NEW SOUTH WALES BRANCH)
"The Price of Liberty is Eternal Vigilance"

LEETON SUB BRANCH
PO Box 912
LEETON NSW 2705

Email leetonsb@rslnsw.org.au

24th September 2024

NOTIFICATION OF REMEMBRANCE DAY EVENT

Dear Sir/Madam

On behalf of the Leeton RSL Sub Branch I wish to notify you that the annual Remembrance Day commemoration service will take place on Monday 11 November 2024.

Our Service will commence with a small gathering of Sub Branch members, ex-service personnel and general public from 1045 at the Leeton Cenotaph at the intersection of Chelmsford Place and Wade, Kurrajong and Pine Avenues.

The sounding of the Leeton Fire Station sirens at 1100 will signal the start of the observation of a minute's silence and again following the bugler's Reveille to signify the close of the service, after which the crowd is to disperse.

Should you have any queries regarding this event or if you would like to discuss this further, please do not hesitate to contact the Honorary Secretary, on 0401 724 626.

Regards



Luke Mahalm
President



Operational Risk Assessment

Workgroup:	Economic & Community Development	Employees involved in Risk Assessment: Fran Macdonald – LSC Events Officer
Division / Area:	Events	
Task Description:	Remembrance Day – 11 November 2024	
Date:	23 April 2024	
Version:	1	

Background

Commemoration of those who have died in wars, conflicts and peacekeeping operations with the observation of the Armistice of WW1 (11am on Nov 11). Leeton's service is unique in that it incorporates the sounding of the sirens of the Leeton Fire Station to mark the minute's silence, a tradition in place since the construction of the fire station. There is no march associated with the service, and as such no road closures, though traffic control is in place to ensure the safety of the participating public.

Purpose

Observation of Remembrance Day in a short service at the Cenotaph (on MR80).

Scope of Risk Assessment

Remembrance Day observation service at Cenotaph (Monday 11 Nov at 10.45am)

Methodology

RISK LEVEL RATING		Likelihood				
		1 - Rare	2 - Unlikely	3 - Possible	4 - Likely	5 - Almost Certain
Consequence	5 -Catastrophic	5-Moderate	10 -High	15 -High	20 -Extreme	25 - Extreme
	4 -Major	4 -Low	8 -Moderate	12 -High	16 -High	20 -Extreme
	3 -Medium	3 -Low	6 -Moderate	9 -Moderate	12 -High	15 -High
	2 -Minor	2- Low	4 -Low	6 -Moderate	8 -Moderate	10 -High
	1 -Insignificant	1 -Low	2 -Low	3 -Low	4 -Low	5 -Moderate

Issued By: WHS Coordinator	LSC-F-WHS-0007 Issue Date: 14/03/2019	Version:1 Last Review Date: 14/03/2019	Page 1 of 3
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Operational Risk Assessment

Operational WHS Hazard and Risk Register

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating	Control Measures	Residual Risk Rating
Service at Cenotaph on roundabout at major intersection	Participants and spectators impacted by vehicles progressing around roundabout	20	Placement of witches hats around perimeter of roundabout to denote gathering area and give buffer to MC to encourage spectators to be mindful of roadway and to gather in designated areas. TGS in place to slow traffic around roundabout – drivers forewarned of event in progress with signage on approach, and via VMS (for traffic coming from Griffith)	10
	Inclement weather	9	Organisers to watch long range forecast – decision to abandon or move observance service to shelter to be made 1 hour before event is due to start.	3
Traffic Control	Impatient/frustrated drivers	12	TGS in place to slow traffic around roundabout – drivers forewarned of event in progress with signage on approach, and via VMS (for traffic coming from Griffith) Traffic controllers to guide traffic through intersection to maintain flow of traffic – full stop during observation of minute's silence. From 2023 – suggest barrier board to be placed across exit of one-way lane (to deter drivers going against the flow of traffic to avoid delays) or include full closure of lane in TGS.	9

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Operational Risk Assessment

Relevant Documents

Hazardous Substances Chemicals	Standard Operating Procedures - eg:	Safe Work Method Statements / Risk Assessments - eg:	Manufacturer Safety Guidelines	Traffic Control Plan

Competency Requirements for Workgroup

Position	Competencies Required

Plant, Machinery, Equipment Used

Type of Plant / Machinery / Equipment	Licenses, Permits, Competency, Training	Daily plant Inspection Report Required	Prestart Checks Required – Visual/ Documented	Maintenance Requirements

Issued By: WHS Coordinator	LSC-F-WHS-0007 Issue Date: 14/03/2019	Version:1 Last Review Date: 14/03/2019	Page 3 of 3
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Certificate of Currency

The policy referred to is current as at the date of this certificate and whilst a due date has been indicated it should be noted that the policy may be cancelled in the future. Accordingly, reliance should not be placed on the expiry date.

Policy Number:	10M 7431902	
Insured:	RSL of Australia Sub Branches, Day Clubs and RSL Auxiliaries as declared and agreed, including Leeton RSL sub-Branch	
Period of Insurance:	(From) 31 May 2024	at 4:00pm local time at the place of issue
	(To) 31 May 2025	at 4:00pm local time at the place of issue
Policy Type:	General and Products Liability	
Limit of Indemnity:		
Public Liability	\$20,000,000	any one Occurrence
Advertising Injury	\$20,000,000	any one Occurrence
Products Liability	\$20,000,000	any one Occurrence and in the aggregate for any one Period of Insurance
Interest Noted:	It is noted and agreed that this Policy is endorsed to include the interests of: NSW Police, Transport NSW, Leeton Shire Council in respect of the Remembrance Day & ANZAC Day Services held by the Named Insured	
Remarks:	The above is subject always to the terms, conditions, exclusions and endorsements of the Policy.	

Signed for and on behalf of Insurance Australia Limited trading as CGU Insurance.



Kate Lowery

Manager, Liability Small Commercial & Schemes

31/05/2024

The image contains two posters side-by-side. The left poster is white with a blue border and features the Leeton Shire Council logo at the top. It is titled 'CHANGE TO ROAD CONDITIONS' and provides notice under the Roads Act 1993 for a temporary road closure on Monday 11 November 2024. The affected roads are Kurrajong Avenue, Pine Avenue, Wade Avenue, and Chelmsford Place. The closure is from 10:30am to 11:30am. The reason is for a Remembrance Day observance, and clear detour signs will be posted. An aerial map of the town center shows the affected area. The right poster is black with yellow and white text. It is titled 'REMEMBRANCE DAY' with the motto 'Lest we forget' above it. It announces an observance at the Leeton Cenotaph at 10:45am on Monday 11 November. It states there will be no march and no road closures, but a change of speed on approach is required. A yellow silhouette of a soldier in a trench coat and hat is on the right. The RSL Leeton Sub-Branch logo is at the bottom left.

LEETON SHIRE COUNCIL

CHANGE TO ROAD CONDITIONS

Notice is hereby given under Roads Act 1993 for the temporary closing of the following:

Roads: Kurrajong Avenue, Pine Avenue, Wade Avenue and Chelmsford Place

Duration: 10.30am to 11.30am

Date: Monday 11 November 2024

Reason: Remembrance Day observance

Detours: Changes in road conditions will be clearly sign posted.

Lest we forget

REMEMBRANCE DAY

MONDAY 11 NOV

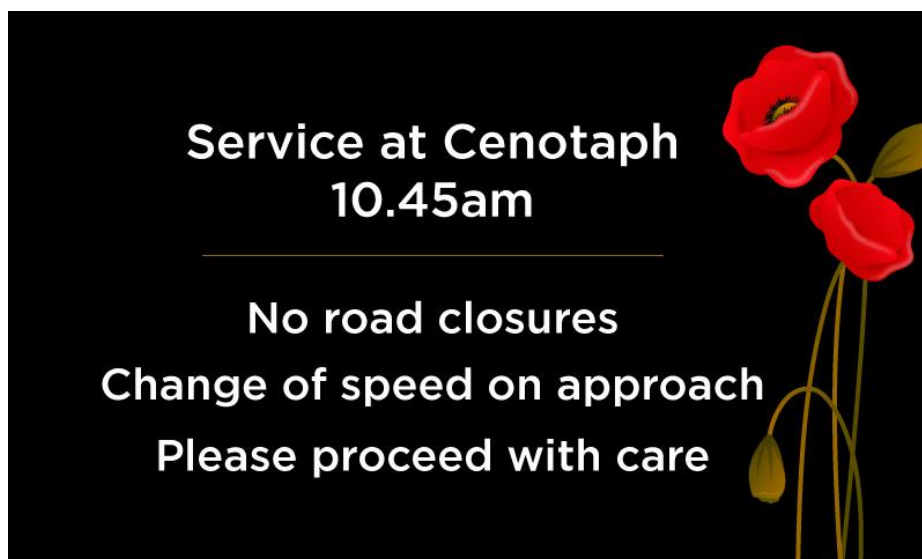
OBSERVANCE AT LEETON CENOTAPH
10.45am

**NO MARCH
NO ROAD CLOSURES**

Change of speed on approach
Please proceed with care

RSL LEETON SUB-BRANCH

VMS Signage Display Irrigation Way (Glenlee Cellars)



Scheduled display from 6 to 11 November

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024

11.2. SPECIAL EVENT REQUEST - LEETON ALIVE- WADE HOTEL STREET PARTY - 9 NOVEMBER 2024

AUTHOR/S: Road Safety Officer

SUMMARY/PURPOSE

The purpose of this report is to seek the Committee's approval for the Leeton Alive Wade Hotel Street party to be held on the 9 November 2024 from 12:00 noon to 10:00pm resulting in Church Street being closed from Pine Avenue to Reservoir Lane. The road closures will be from 8am to midnight on Saturday 9th November 2024.

RECOMMENDATION

THAT the Committee endorses Leeton Shire Council to hold the Leeton Alive Wade Hotel Street Party on 9 November 2024 on Pine Avenue/MR80 as per the Traffic Guidance System subject to the schedule of conditions as outlined in the RMS Guide to Traffic and Transport Management for Special Events including the following conditions:

1. The event is conducted as per times, location of conditions and circumstances that are indicated in the application documents.
 2. A certified Traffic Guidance System for the event is to be prepared, implemented monitored and decommissioned by an accredited person.
 3. Event organisers and participants immediately obey all directions by NSW Police.
 4. Event organisers and participants immediately obey all direction by Leeton Shire Council Officers.
 5. Advertising of the event is to take place in local social media and newspapers two weeks prior to the event, to ensure locals are aware of the event. Road Closure is to be updated on the OneRoad website.
 6. Public Liability insurance is to be updated and include Transport for NSW, NSW Police and Leeton Shire Council as interested parties.
 7. Failure to comply with any of the above conditions will immediately void this approval.
-

REPORT

The Leeton Alive Street Party will be held in Church Street from Reservoir Lane to Pine Avenue (side of the Wade Hotel) to unveil a new artwork on the side of the Wade Hotel Building. The event will be held in conjunction with the Wade Hotel and will feature live entertainment to activate the streets and night time economy of Leeton and foster a sense of community and vibrancy in the area.

21 of 49

A Traffic Guidance System (TGS) forms part of the Special Event Resources attached and outlines the road closures from 8:00am to midnight on Saturday the 9 November 2024.

The TGS shows the Road Closures on Church Street from Reservior Lane to Pine Avenue. Reservior Lane will still be open to Local Traffic only.

A notification of events will be sent to local emergency services to make them aware of the event and the road closures as well as social media advertising and advertising in the local paper.

The Public Liability insurance for the Wade Hotel is attached to the Special Event Application form but will need to be updated to list NSW Police, Transport for NSW and Leeton Shire Council as interested parties.

[LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN \(DPOP\)](#)

6. Roads and Drainage

6.5 Provide road safety programs, including roadside vegetation management, permitting, traffic management and accident assistance

6. Roads and Drainage 6.5 Optimise road safety

6.5.3 Promote road safety through design and appropriate regulation

[ATTACHMENTS](#)

Special Event Resources

Special Event Transport Management Plan Template

Refer to Chapter 7 of the Guide for a complete description of the Transport Management Plan

I EVENT DETAILS

I.1 Event summary

Event Name: Leeton Alive - Wade Hotel Street Party
Event Location: Church Street, Leeton
Event Date: 09/11/24 Event Start Time: 12.00pm Event Finish Time: 10.00pm
Event Setup Start Time: 8.00am Event Packdown Finish Time: 12.00am
Event is off-street on-street moving on-street non-moving
 held regularly throughout the year (calendar attached)

I.2 Contact names

Event Organiser * Wade Hotel
Phone: 6953 3266 Fax: Mobile: E-mail: stacey@wade
Event Management Company (if applicable).....
Phone:..... Fax:..... Mobile: E-mail:.....
Police
Phone:..... Fax:..... Mobile: E-mail:.....
Council Leeton Shire Council
Phone: 6953 0911 Fax: Mobile: E-mail: franm@leeton
Roads & Traffic Authority (if Class I).....
Phone:..... Fax:..... Mobile: E-mail:.....

**Note: The Event Organiser is the person or organisation in whose name the Public Liability Insurance is taken out.*

I.3 Brief description of the event (one paragraph)

Street party with live entertainment (to unveil a new mural artwork on the Church Street side of the building) to activate the streets and night-time economy of Leeton and foster a sense of community and vibrancy in the area.

2 RISK MANAGEMENT - TRAFFIC

CLASS 1 CLASS 2 CLASS 3	2.1 Occupational Health & Safety - Traffic Control <input checked="" type="checkbox"/> Risk assessment plan (or plans) attached
	2.2 Public Liability Insurance <input checked="" type="checkbox"/> Public liability insurance arranged. Certificate of currency attached.
	2.3 Police <input type="checkbox"/> Police written approval obtained
	2.4 Fire Brigades and Ambulance <input checked="" type="checkbox"/> Fire brigades notified <input checked="" type="checkbox"/> Ambulance notified

3 TRAFFIC AND TRANSPORT MANAGEMENT

CLASS 1 CLASS 2 CLASS 3	3.1 The route or location <input checked="" type="checkbox"/> Map attached
	3.2 Parking <input type="checkbox"/> Parking organised - details attached <input checked="" type="checkbox"/> Parking not required
	3.3 Construction, traffic calming and traffic generating developments <input type="checkbox"/> Plans to minimise impact of construction activities, traffic calming devices or traffic-generating developments attached <input checked="" type="checkbox"/> There are no construction activities, traffic calming devices or traffic-generating developments at the location/route or on the detour routes
	3.4 Trusts, authorities or Government enterprises <input type="checkbox"/> This event uses a facility managed by a trust, authority or enterprise; written approval attached <input checked="" type="checkbox"/> This event does not use a facility managed by a trust, authority or enterprise
	3.5 Impact on/of Public transport <input type="checkbox"/> Public transport plans created - details attached <input checked="" type="checkbox"/> Public transport not impacted or will not impact event
	3.6 Reopening roads after moving events <input type="checkbox"/> This is a moving event - details attached. <input checked="" type="checkbox"/> This is a non-moving event.
	3.7 Traffic management requirements unique to this event <input type="checkbox"/> Description of unique traffic management requirements attached <input checked="" type="checkbox"/> There are no unique traffic requirements for this event
	3.8 Contingency plans <input type="checkbox"/> Contingency plans attached

Class 1	Class 2	3.9 Heavy vehicle impacts
		<input type="checkbox"/> Impacts heavy vehicles - RTA to manage <input checked="" type="checkbox"/> Does not impact heavy vehicles
		3.10 Special event clearways
		<input type="checkbox"/> Special event clearways required - RTA to arrange <input checked="" type="checkbox"/> Special event clearways not required
4 MINIMISING IMPACT ON NON-EVENT COMMUNITY & EMERGENCY SERVICES		
CLASS 1	CLASS 2	4.1 Access for local residents, businesses, hospitals and emergency vehicles
		<input type="checkbox"/> Plans to minimise impact on non-event community attached <input checked="" type="checkbox"/> This event does not impact the non-event community either on the main route (or location) or detour routes
		4.2 Advertise traffic management arrangements
		<input checked="" type="checkbox"/> Road closures or restrictions - advertising medium and copy of proposed advertisements attached <input type="checkbox"/> No road closures or restrictions but special event clearways in place - advertising medium and copy of proposed advertisements attached <input type="checkbox"/> No road closures, restrictions or special event clearways - advertising not required
		4.3 Special event warning signs
		<input type="checkbox"/> Special event information signs are described in the Traffic Control Plan/s <input checked="" type="checkbox"/> This event does not require special event warning signs
		4.4 Permanent Variable Message Signs
		<input checked="" type="checkbox"/> Messages, locations and times attached <input type="checkbox"/> This event does not use permanent Variable Message Signs
		4.5 Portable Variable Message Signs
		<input type="checkbox"/> The proposed messages and locations for portable VMS are attached <input checked="" type="checkbox"/> This event does not use portable VMS
5 PRIVACY NOTICE		

The "Personal Information" contained in the completed Transport Management Plan may be collected and held by the NSW Police, the NSW Roads and Traffic Authority (RTA), or Local Government.

I declare that the details in this application are true and complete. I understand that:

- The "personal information" is being collected for submission of the Transport Management Plan for the event described in Section 1 of this document.
- I must supply the information under the Road Transport Legislation (as defined in the *Road Transport (General) Act 1999*) and the *Roads Act 1993*.
- Failure to supply full details and to sign or confirm this declaration can result in the event not proceeding.
- The "personal information" being supplied is either my own or I have the approval of the person concerned to provide his/her "personal information".
- The "personal information" held by the Police, RTA or Local Government may be disclosed inside and outside of NSW to event managers or any other person or organisation required to manage or provide resources required to conduct the event or to any business, road user or resident who may be impacted by the event.
- The person to whom the "personal information" relates has a right to access or correct it in accordance with the provisions of the relevant privacy legislation.

Schedule 1 Form - Notice of Intention to Hold a Public Assembly

SUMMARY OFFENCES ACT 1988 - Sec 23

To the Commissioner of Police

1	<p>I, <u>STACEY CHALLACOMBE</u> (name) of <u>1847 LONNIE ROAD LEETON NSW 2705</u> (address) on behalf of <u>WADE HOTEL</u> (organisation) notify the Commissioner of Police that on the <u>09</u> (day) of <u>11</u> (month), <u>24</u> (year), it is intended to hold</p> <p><i>either:</i></p> <p>(a) a public assembly, not being a procession, of approximately <u>500</u> (number) persons, which will assemble at <u>Church Street, Leeton</u> (Place) at approximately <u>12.00</u> am/pm, and disperse at approximately <u>10.00</u> am/pm.</p> <p><i>or</i></p> <p>(b) a public assembly, being a procession of approximately (number) persons, which will assemble at approximately am/pm, and at approximately am/pm the procession will commence and shall proceed</p> <p>.....</p> <p>.....</p> <p><small>(Specify route, any stopping places and the approximate duration of any stop, and the approximate time of termination. A diagram may be attached.)</small></p>
2	<p>The purpose of the proposed assembly is.....</p> <p><u>a family-friendly street party event with live music</u> <u>catering to the general public of Leeton</u> <u>to activate and stimulate the night-time economy.</u> <u>Part of the intended activity is to unveil a new mural</u> <u>on the side of the building (pending completion).</u></p> <p>.....</p> <p>.....</p>

3	<p>The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly (<i>strike out whichever is not applicable</i>):</p> <p>(i) There will be <u>nil</u> (number) of vehicles and/or..... (number) of floats involved. The type and dimensions are as follows:</p> <p>(ii) There will be <u>2-3</u> (number) of bands, musicians, entertainers, etc. which will entertain or address the assembly.</p> <p>(iii) The following number and type of animals will be involved in the assembly: <u>nil</u></p> <p>(iv) Other special characteristics of the proposed assembly are as follows:</p>
4	<p>I take responsibility for organising and conducting the proposed assembly.</p>
5	<p>Notices for the purposes of the <i>Summary Offences Act 1988</i> may be served upon me at the following address:</p> <p><u>42 Pine Ave</u> <u>Leeton NSW 2705</u> Postcode. Telephone No. <u>0269533266</u></p>
6	<p>Signed <u>[Signature]</u> Capacity/Title <u>DIRECTOR</u> Date <u>26/9/2024</u></p>

Special Event Planning & Resource Matrix

Event Class	Description	Features	Examples	Lead Times for Agency Approvals	Police Fees	Council Fees	RTA Fees	Transport Mgt Plan	Risk Management Plans (Traffic Control) under OH&S ACT 2000	Advertise Transport Management Arrangements	Liability Insurance	Special Event Clearway Heavy Vehicle Delours	Public Transport	Emergency Vehicle & Local Access	Parking	Contingency planning
1	A Class 1 event: <ul style="list-style-type: none"> impacts major traffic and transport systems disrupts the non-event community over a wide area requires the involvement of Police, one or more Councils and the RTA requires a detailed Transport Management Plan requires advertising the event's traffic aspects to a wide audience. 	A Class 1 event may: <ul style="list-style-type: none"> be conducted on-road or in its own venue involve trusts and authorities when using facilities managed by them involve Transport NSW involve the State Rail and State Transit Authorities involve private bus and coach organisations impact the road transport industry require RTA to provide special event clearways require RTA to provide heavy vehicle detour routes require the RTA to adjust traffic signals require RTA to manage Variable Message Signs depending on the nature of the event, invoke the Police "User Pays" policy. 	For example: <ul style="list-style-type: none"> an event that affects a principal transport route in Sydney, or an event that reduces the capacity of the main highway through a country town, or a bicycle race that involves the Sydney Harbour Bridge. 	Minimum 4 months from first approach to Council to proposed start date. 6 months for vehicle races.	Charges apply where: <i>"It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."</i>	As described in Council's Special Events Policy. Asset rentals: refer to Council.	Marginal costs apply where services are provided above those normally provided to the community. RTA provides quote. Asset rentals: refer to RTA.	TMP model recommended	Traffic Control layouts drawn up by a qualified person and installed under the guidance of a qualified person recommended. Need to consider access for disabled persons.	28 days for all events that require regulation of traffic or where special event clearways in operation. Not required where there is no regulation of traffic.	Required with Council & Police (if Police User Pays in force) named on policy. Also RTA if using RTA asset. Certificate of currency required.	RTA arranges if required. RTA provides quote.	Promoted where practicable	Required. Refer to TMP.	May be required. Need to consider parking for disabled persons.	Recommended
2	A Class 2 event: <ul style="list-style-type: none"> impacts local traffic and transport systems but does not impact major traffic and transport systems disrupts the non-event community in the area around the event but not over a wide area requires the involvement of Police and Local Council requires a detailed Transport Management Plan requires advertising the event's traffic aspects to the local community. 	A Class 2 event may: <ul style="list-style-type: none"> be conducted on-road or in its own venue involve trusts and authorities when using facilities managed by them involve State Rail and the State Transit Authority involve private bus and coach organisations. depending on the nature of the event, invoke the Police "User Pays" policy. 	For example: <ul style="list-style-type: none"> an event that blocks off the main street of a town or shopping centre but does not impact a principal transport route or a highway a motor rally on local country roads. 	Minimum 3 months. 3 months for vehicle races.	Charges apply where: <i>"It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."</i>	As described in Council's Special Events Policy. Asset rentals: refer to Council		TMP model recommended	Traffic Control layouts drawn up by a qualified person and installed under the guidance of a qualified person recommended. Need to consider access for disabled persons.	28 days for all events that require regulation of traffic or where special event clearways in operation. Not required where there is no regulation of traffic.	Required with Council & Police (if Police User Pays in force) named on policy. Certificate of currency required.		Promoted where practicable	Required. Refer to TMP.	May be required. Need to consider parking for disabled persons.	Recommended
3	A Class 3 event: <ul style="list-style-type: none"> does not impact local or major traffic and transport systems disrupts the non-event community in the immediate area only requires Local Council and Police consent is conducted on-street in a very low traffic area such as a dead-end or cul-de-sac requires Police agreement that event qualifies as Class 3 is never used for vehicle races. 	A Class 3 event, depending on Local Council policy, may: <ul style="list-style-type: none"> require a simplified Transport Management Plan not be available in all Council areas. depending on the nature of the event, invoke the Police "User Pays" policy. require advertising the event's traffic aspects to the community. 	For example: <ul style="list-style-type: none"> an on-street neighbourhood Christmas party. 	Minimum 6 weeks	Charges apply where: <i>"It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."</i>	As described in Council's Special Events Policy. Asset rentals: refer to Council		Council may require TMP	Traffic Control layouts drawn up by a qualified person and installed under the guidance of a qualified person recommended. Need to consider access for disabled persons.	28 days for all events that require regulation of traffic. Not required where there is no regulation of traffic.	Required with Council & Police (if Police User Pays in force) named on policy. Certificate of currency required.			Required. Refer to TMP.		
4	A Class 4 event is intended for small on street events and <ul style="list-style-type: none"> requires Police consent only is within the capacity of the Police to manage on their own is not a protest or demonstration is always an on-street event does not require RTA or Council consent does not require advertising the event's traffic aspects to the community does not require a TMP does not require the involvement of other Government agencies. 	A Class 4 event may: <ul style="list-style-type: none"> be conducted on classified or unclassified roads cause zero to considerable disruption to the non-event community cross Police Local Area Commands (LACs) cross Local Government Areas (LGAs) require Council and RTA to assist when requested by Police depending on the nature of the event, invoke the Police "User Pays" policy. 	For example: <ul style="list-style-type: none"> a small ANZAC Day march in a country town a small parade conducted under Police escort. 	Minimum 1 month	Charges apply where: <i>"It is deemed the services are specifically for the benefit of those organising and/or attending the event and not for the benefit of the public at large."</i>						Required if User Pays policy in force. Police named on policy. Certificate of currency required.					

LEETON SHIRE COUNCIL
 Leeton Local Traffic Committee Tuesday 8 October 2024



LEETON
SHIRE COUNCIL

Date: 9 November 2024
Author: Salim Choudhury
Project: Leeton Alive: Wade Hotel Street Party & Mural Launch
Plan Number: EV 24-005



MANIFEST

- 3 x Road Closed
- 2 x Side Road Closed
- 2 x Local Traffic Only

— Crowd Control Barriers in place

Comments:

Erect signs in direction of normal traffic flow and remove in reverse order.
 Cover any conflicting signs.
 All work vehicles to be parked in workzone.
 This plan is based on the TCAWS Manual Ver 6 & AS 17423.
 D = 50km

Designed by: Salim Choudhury

Cert #: TCT1059497

Signature: *Salim Choudhury*

Date: 25.09.2024

Approved by: Chris Lashbook








Cert #: TCT0013974


Signature: *Chris Lashbook*

Date: 25-9-24

11.2.1 Leeton Alive Wade Street Party - Traffic Committee Submission



Legend	
Proposed licenced boundaries	
Security	
Bar	
Stage	
Event Fencing	
Food Vendor	
Chairs + Tables	

event:	Street Party	
at:	Church Street	
for:	The Wade Hotel	
title:	Event Layout Plan	
location:	Leeton NSW	
scale: 1:300 @ A4		
dwg: Z8730A1	revision: A	

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024



NOTIFICATION OF EVENT – CHURCH STREET LEETON
Leeton Alive – Wade Hotel Street Party & Mural Launch

26th September 2024

To Whom It May Concern,

On behalf of the Wade Hotel, I would like to advise you of the proposed event - Wade Hotel Street Party & Mural Launch Street party with the unveiling of a new mural artwork on the Church Street side of the building.

This event aims to activate the streets and night-time economy of Leeton and is a collaborative effort between the Wade Hotel and Leeton Shire Council. Please find details of this event below;

DATE: Saturday 9th November

TIME: Midday-10pm

LOCATION: Church Street Leeton

Please find attached the proposed traffic control plans relevant for the event. Should you have any further questions regarding this event please feel free to contact me anytime on 0411157547.

Regards

A handwritten signature in black ink, appearing to read 'Stacey', written over a light blue horizontal line.

Stacey Challacombe

DIRECTOR

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024



25 September 2024

Ms Angela Fraser
Station Officer
Leeton Ambulance Station
Chelmsford Place
LEETON NSW 2705

Dear Ms Fraser,

NOTIFICATION OF EVENT
Leeton Alive – 19 October-30 November 2024

On behalf of the Leeton Shire Council, I would like to advise you of the proposed Leeton Alive events that will be taking place between 19 October and 30 November 2024 as part of the NSW Government's Open Streets program.

The proposed program aims to activate the streets and night-time economy of Leeton over a seven-week period from October 19 to November 30, a collaborative effort between local businesses, Leeton Shire Council, and Leeton Business Chamber.

The proposed program consists of the following events:

19 October	Leeton Chill & Grill A culinary showcase and live music event featuring local food and beverage offerings in Mountford Park from 2pm to 9pm.
26 Oct & 16 Nov	Open Air Movie Nights Outdoor movie screenings on the Chelmsford Water Tower to entertain the community.
2 November	Chelmsford Place Night Markets A vibrant night market showcasing local artisans/producers in Chelmsford Place operating from 5pm – 9pm.
9 November	Wade Hotel Street Party & Mural Launch Street party with the unveiling of a new mural artwork on the Church Street side of the building.
23 November	Leeton Business Group Event Community engagement event for local businesses to launch the Christmas season.

The vision is to activate and beautify the streets of Leeton through a diverse range of events and experiences. The intended outcomes are to drive foot traffic, boost the local economy, and foster a sense of community and vibrancy in the area.

Attached are the proposed traffic control plans relevant to the various events.

LEETON SHIRE COUNCIL T. (02) 6953 0911 F. (02) 6953 0977 23-25 Chelmsford Place Leeton NSW 2705
council@leeton.nsw.gov.au www.leeton.nsw.gov.au

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024

Should you have any queries regarding these events or if you would like to discuss further, please do not hesitate to contact the event coordinator Fran Macdonald on 6951 3103.

Regards,



Fran Macdonald
Events Officer
Leeton Shire Council

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024



25 September 2024

Mr Kirk Walker
Station Officer
Leeton Fire Brigade
c/- 9 Belah Street
Leeton NSW 2705

Dear Mr Walker,

NOTIFICATION OF EVENT
Leeton Alive – 19 October-30 November 2024

On behalf of the Leeton Shire Council, I would like to advise you of the proposed Leeton Alive events that will be taking place between 19 October and 30 November 2024 as part of the NSW Government's Open Streets program.

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Regards,



Fran Macdonald
Events Officer
Leeton Shire Council

LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024



25 September 2024

Sgt Craig Johnson
Station Officer
Leeton Police Station
24 Oak Street
LEETON NSW 2705

Dear Sgt Johnson,

NOTIFICATION OF EVENT
Leeton Alive – 19 October-30 November 2024

On behalf of the Leeton Shire Council, I would like to advise you of the proposed Leeton Alive events that will be taking place between 19 October and 30 November 2024 as part of the NSW Government's Open Streets program.

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LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024

Should you have any queries regarding these events or if you would like to discuss further, please do not hesitate to contact the event coordinator Fran Macdonald on 6951 3103.

Regards,



Fran Macdonald
Events Officer
Leeton Shire Council



Operational Risk Assessment

Workgroup:	Leeton Alive events	Employees involved in Risk Assessment: Events Officer Executive Manager Economic & Community Development WHS Coordinator Community Stakeholder – Wade Hotel
Division / Area:	Events & Cultural Services	
Task Description:	Event	
Date:	25/09/24	
Version:	1.0	

Background

The Leeton Alive events are to be held over a seven-week period in a variety of locations from October 19 to November 30, a collaborative effort between local businesses, Leeton Shire Council, and Leeton Business Chamber as part of the NSW Government’s Open Streets program. The vision is to activate and beautify the streets of Leeton through a diverse range of events and experiences. The intended outcomes are to drive foot traffic, boost the local economy, and foster a sense of community and vibrancy in the area.

Purpose

To hold an event for the Leeton and surrounding communities

Scope of Risk Assessment

Wade Hotel Street Party – 9 November – Church Street

Street party in street alongside the Wade Hotel with patrons sitting on roadway. Live entertainment stage, food and beverage vendors to be located on the street within the event area.

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Operational Risk Assessment

Methodology

RISK LEVEL RATING		Likelihood				
		1 - Rare	2 - Unlikely	3 - Possible	4 - Likely	5 - Almost Certain
Consequence	5 -Catastrophic	5-Moderate	10 -High	15 -High	20 -Extreme	25 - Extreme
	4 -Major	4 -Low	8 -Moderate	12 -High	16 -High	20 -Extreme
	3 -Medium	3 -Low	6 -Moderate	9 -Moderate	12 -High	15 -High
	2 -Minor	2- Low	4 -Low	6 -Moderate	8 -Moderate	10 -High
	1 -Insignificant	1 -Low	2 -Low	3 -Low	4 -Low	5 -Moderate

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11.2.1 Leeton Alive Wade Street Party - Traffic Committee Submission

8.3.1.1 Attachment 1 - Agenda - Leeton Local Traffic Committee - 8 October 2024



Operational Risk Assessment

Operational WHS Hazard and Risk Register

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating	Control Measures	Residual Risk Rating
Slips, trips, falls	Trip Hazard: People tripping or falling by not paying attention to surrounds or hazards not being adequately dealt with	8	<ul style="list-style-type: none"> - Avoid having any trip hazards in walkways - Have first aid kit available on site - Ensure power leads are off the ground or taped down 	6
Power	Electrical shortages Electric shock	9	<ul style="list-style-type: none"> - Ensure all power cords and outlets are tested and tagged prior to event - Ensure appliances are kept away from water, heat etc - Never leave an electrical device unattended - Ensure a Residual Current Device is used to test outlets prior to use - Stallholders will be responsible for their own power supply (via generators etc) 	6
Waste Removal	Inadequate rubbish bins People leaving litter	4	<ul style="list-style-type: none"> - Council to provide additional bins to cater for rubbish - Bins to be emptied/checked at regular intervals - Skip bin to be provided to hold vendor rubbish - Staff to ensure no rubbish is left on site 	3
Weather	Exposure to excessive heat, rain, wind, thunderstorms, hail could cause damage to equipment and harm those exposed to the bad weather. Damage to equipment Temporary infrastructure blows away and causes injury to a person or equipment Sunburn/dehydration from heat exposure Slippery surfaces	12	<ul style="list-style-type: none"> - Watch long range weather forecast in the leadup to the event - Event to be cancelled in cases of high temperatures, high wind and/or electrical storms - Shade available at location via awnings - Marquees must have their marquees secured/weighted down on all four legs 	9

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11.2.1 Leeton Alive Wade Street Party - Traffic Committee Submission



Operational Risk Assessment

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating	Control Measures	Residual Risk Rating
Crowd Control	Too many people at event Disturbing behavior Disorderly Patrons	12	<ul style="list-style-type: none"> - Security and staff to observe crowd behavior - Personnel at entry points and throughout event monitoring the amount of people coming in and out of the event - Notify police immediately to remove or detain disorderly patrons 	8
Fatigue, exhaustion and dehydration	Exposure to excessive heat	9	<ul style="list-style-type: none"> - Food and cold non-alcoholic beverages available - First aid kit on site with trained staff - Event held in late afternoon/early evening to avoid peak heat periods 	6
Seating	Inadequate seating for the elderly and disabled patrons	6	<ul style="list-style-type: none"> - Ensure adequate seating is available for elderly and disabled patrons (hire where necessary) 	4
Alcohol	Liquor licensing violations Alcohol and drug consumption	12	<ul style="list-style-type: none"> - Staff/security to observe and manage - Promoted as a family friendly event - Ensure all staff serving alcohol, including volunteers and security personnel, have valid RSA certification - Display RSA signage prominently throughout the event venue - Procedures for checking age identification implemented - Prohibit patrons from bringing their own alcohol or glass containers into the venue - Consider limiting the number of alcoholic beverages that can be purchased at one time - Provide free drinking water and ensure it is easily accessible throughout the event - Designated alcohol consumption area - Taxi details available 	9

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Operational Risk Assessment

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating	Control Measures	Residual Risk Rating
Food poisoning/ allergy	Attendees eating food that hasn't been stored/prepared to food standards Attendees eating food their allergic to causing anaphylaxis	15	<ul style="list-style-type: none"> - All people serving/preparing food are to be trained in Food Handling requirements as per the Food Authority NSW - Receive copies of vendor's food handling certificates - Site inspections to vendors to ensure they're preparing and serving food to standard - Stallholders to label and advertise food correctly 	10
Stallholders	Stallholder injury Stallholder not preparing/serving food to standard which makes those eating their food unwell Stallholders having an unsafe stall	12	<ul style="list-style-type: none"> - Ask stallholders are required to sign on and off at the event - Stallholders are to report any incidents to a staff member - Marquees must be secured/weighted down on all four legs - Vendors to provide a copy of the Public Liability Insurance 	9
Children	Children running excitedly around event Lost/separated from parents	12	<ul style="list-style-type: none"> - Children under 12 years old must be accompanied by an adult at all times. - Appropriate clothing and footwear recommended to be worn. - Any children's entertainment to be separated from high foot traffic area - Assembly area for lost/separate children to be designated 	8
Entertainment/ Amusements	People getting injured on amusements Faulty equipment being set up	12	<ul style="list-style-type: none"> - All entertainment providers will be required to provide a copy of their PIL Insurance - Copy of design registration to be obtained from any amusements - First aid kit available on site 	6

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Operational Risk Assessment

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating	Control Measures	Residual Risk Rating
Manual handling	Volunteers and stallholders obtaining an injury from manual handling tasks Lifting and moving items that are too heavy or using poor lifting techniques	9	<ul style="list-style-type: none"> - Use two people to carry heavy/awkward items - Use best practice manual handling techniques - First aid personnel on site 	6

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11.2.1 Leeton Alive Wade Street Party - Traffic Committee Submission

8.3.1.1 Attachment 1 - Agenda - Leeton Local Traffic Committee - 8 October 2024



Operational Risk Assessment

Relevant Documents

N/A

Hazardous Substances Chemicals	Standard Operating Procedures - eg:	Safe Work Method Statements / Risk Assessments - eg:	Manufacturer Safety Guidelines	Traffic Control Plan

Competency Requirements for Workgroup

Position	Competencies Required
People selling/serving alcohol	Responsible service of Alcohol

Plant, Machinery, Equipment Used

N/A

Type of Plant / Machinery / Equipment	Licenses, Permits, Competency, Training	Daily plant Inspection Report Required	Prestart Checks Required – Visual/ Documented	Maintenance Requirements

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LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024



www.asruw.com.au

Certificate of Currency

15 May 2024
Ref: 21050124

Re: WADE HOTEL

This certificate of insurance confirms that cover has been issued subject to payment, policy terms and conditions.

Class : PUBLIC LIABILITY
Policy No. : 2007130R
Period : 27/05/24 to 27/05/25
Insurer : LLOYD'S OF LONDON - B5 HOTEL

Covering:

INSURED: STACEY A CHALLACOMBE, KYLIE S PRESTON, TARA L PRESTON
THE TRUSTEE FOR SORELLA UNIT TRUST &/OR SORELLA GROUP PTY LTD
T/AS WADE HOTEL

SITUATION: 42 PINE AVE LEETON NSW 2705

INTERESTED PARTY: COMMONWEALTH BANK OF AUSTRALIA IN RESPECT OF LOCATION
AND THE INSURED'S BUSINESS NOMINATED ON THE SCHEDULE

UNDERWRITER: CERTAIN UNDERWRITERS AT LLOYD'S UNDER AGREEMENT
NUMBER ASRGLB2024
UNIQUE MARKET REFERENCE NUMBER: B1670ASRGLB2024

NOTE THAT IN EFFECTING THIS CONTRACT WE ARE ACTING UNDER THE AUTHORITY
GIVEN TO US BY CERTAIN UNDERWRITERS AT LLOYD'S AND ARE ACTING AS AN
AGENT FOR THE INSURER AND NOT THE INSURED.

BUSINESS

LEGAL LIABILITY IN RESPECT TO LICENSED HOTEL INCLUDING PROPERTY
OWNERS/OCCUPIERS LIABILITY

TERRITORIAL LIMITS: WORLDWIDE EXCLUDING USA AND CANADA

LIMITS OF INDEMNITY:

SECTION A: PUBLIC LIABILITY:

Coverholder at **LLOYD'S**



ASR Underwriting Agencies Pty Ltd
ABN 84 113 542 233 | AFSL 291522

25 Main Street | PO Box 491
Beenleigh Q 4207 Australia

P 07 3442 3333
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LEETON SHIRE COUNCIL
Leeton Local Traffic Committee Tuesday 8 October 2024



www.asruw.com.au

\$20,000,000 ANY ONE OCCURRENCE.

SECTION B: POLLUTION LIABILITY:
\$20,000,000 ANY ONE OCCURRENCE AND IN THE AGGREGATE.

SECTION C: PRODUCTS LIABILITY:
\$20,000,000 ANY ONE OCCURRENCE AND IN THE AGGREGATE.

EXCESS: \$ 2,500 EACH AND EVERY CLAIM BESIDES;
\$10,000 IN RESPECT TO ASSAULT AND BATTERY
\$25,000 WORKER TO WORKER CLAIMS

POLICY WORDING: ASR UNDERWRITING COMBINED LIABILITY
HOTELS MOTELS BACKPACKERS/RESORTS VERSION 25/11/22

This certificate is furnished at the request of the Insured as a matter of information only and does not constitute an insurance contract upon which claims can be made.

For and on behalf of ASR Underwriting Agencies Pty Ltd

Coverholder at **LLOYDS**



ASR Underwriting Agencies Pty Ltd
ABN 84 113 542 233 | AFSL 291522

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The image contains two posters side-by-side. The left poster is a white notice titled 'TEMPORARY ROAD CLOSURE' from Leeton Shire Council. It provides details for a road closure on Church Street from 8am to 11.59pm on Saturday 9 November 2024, for the Wade Hotel Street Party. It includes an aerial map showing the closure area. The right poster is a dark blue 'LEETON ALIVE WADE HOTEL STREET PARTY' poster for Saturday 9 November from 12 noon to 10pm, featuring live music and a mural unveiling. It is sponsored by NSW Government, Leeton Shire Council, and Wade Hotel.

LEETON SHIRE COUNCIL

TEMPORARY ROAD CLOSURE

Notice is hereby given under Roads Act 1993 for the temporary closing of the following:

Roads: Church Street (Pine Ave to Reservoir Ln)

Duration: 8am to 11.59pm

Date: Saturday 9 November 2024

Reason: Wade Hotel Street Party

Defours: Road closures will be clearly signposted. Reservoir Lane open to local traffic (east bound).

LEETON ALIVE WADE HOTEL STREET PARTY

Live music & entertainment
Unveiling of mural

SATURDAY 9 NOV
12 noon – 10pm

Presented by **NSW GOVERNMENT** **LEETON SHIRE COUNCIL** **WADE HOTEL**

11.2.1 Leeton Alive Wade Street Party - Traffic Committee Submission

8.3.1.1 Attachment 1 - Agenda - Leeton Local Traffic Committee - 8 October 2024

12. NEW ACTIONS ARISING FROM MEETING

Item Number	Action	Responsible Person	Due Date



LEETON
SHIRE COUNCIL

MINUTES OF THE
Leeton Local Traffic Committee
TUESDAY 8 OCTOBER 2024
COMMENCING AT 10:00 AM
AT THE ELECTRONIC MEETING

LEETON SHIRE COUNCIL

T. (02) 6953 0911 F. (02) 6953 0977
council@leeton.nsw.gov.au
23-25 Chelmsford Place Leeton NSW 2705
www.leeton.nsw.gov.au 

1. OPEN MEETING/CHAIR ADDRESS

Meeting commenced at 10:00 am

2. ACKNOWLEDGEMENT OF COUNTRY

Leeton Shire Council acknowledges the Wiradjuri People and their continued impact on our Community.

We acknowledge their connection to the land, water and sky.

We acknowledge all Aboriginal people who have made the Leeton Shire their home.

As such we pay our respects to all Aboriginal Elders, past, present and emerging of our Shire.

3. ATTENDANCE/PRESENT

4. APOLOGIES

NIL

5. DECLARATION OF CONFLICT OF INTEREST

11. GENERAL BUSINESS

11.1. SPECIAL EVENT REQUEST - REMEMBRANCE DAY - 11 NOVEMBER 2024

RECOMMENDATION

THAT the Committee endorses Leeton Shire Council to hold the Leeton Remembrance Day Service on 11 November 2024 on Pine Avenue/MR80 as per the Traffic Guidance System subject to the schedule of conditions as outlined in the RMS Guide to Traffic and Transport Management for Special Events including the following conditions:

1. The event is conducted as per times, location of conditions and circumstances that are indicated in the application documents.
2. A certified Traffic Control Plan for the event is to be prepared, implemented monitored and decommissioned by an accredited person.
3. Event organisers and participants immediately obey all directions by police.
4. Event organisers and participants immediately obey all direction by Leeton Shire Council Officers.
5. Advertising of the event is to take place in local social media and newspapers two weeks prior to the event, to ensure locals are aware of the event.

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6. Public Liability insurance is to include Transport for NSW, NSW Police and Leeton Shire Council as interested parties.
7. Failure to comply with any of the above conditions will immediately void this approval.

Changes to recommendation: No

Representative	For	Against
TfNSW	Yes	
NSW Police	Yes	
Member for Murry	Yes	
Leeton Shire Council	Yes	

11.2. SPECIAL EVENT REQUEST - LEETON ALIVE- WADE HOTEL STREET PARTY - 9 NOVEMBER 2024

RECOMMENDATION

THAT the Committee endorses Leeton Shire Council to hold the Leeton Alive Wade Hotel Street Party on 9 November 2024 on Pine Avenue/MR80 as per the Traffic Guidance System subject to the schedule of conditions as outlined in the RMS Guide to Traffic and Transport Management for Special Events including the following conditions:

1. The event is conducted as per times, location of conditions and circumstances that are indicated in the application documents.
 2. A certified Traffic Guidance System for the event is to be prepared, implemented monitored and decommissioned by an accredited person.
 3. Event organisers and participants immediately obey all directions by NSW Police.
 4. Event organisers and participants immediately obey all direction by Leeton Shire Council Officers.
 5. Advertising of the event is to take place in local social media and newspapers two weeks prior to the event, to ensure locals are aware of the event. Road Closure is to be updated on the OneRoad website.
 6. Public Liability insurance is to be updated and include Transport for NSW, NSW Police and Leeton Shire Council as interested parties.
 7. Failure to comply with any of the above conditions will immediately void this approval.
-

Changes to recommendation: No

Representative	For	Against
TfNSW	Yes	
NSW Police	Yes	
Member for Murry	Yes	
Leeton Shire Council	Yes	

ITEM 8.3.2. CAPITAL WORKS UPDATE REPORT - MAYOR PROJECTS - OCTOBER 2024

AUTHOR/S: Director Operations

APPROVER/S: General Manager

SUMMARY/PURPOSE

The purpose of this report is to provide Council with an update on the progress of the major capital works projects that Leeton Shire Council is currently undertaking (excluding the Roxy Theatre that is reported separately).

RECOMMENDATION

THAT Council notes for information the Quarterly Capital Works Update Report – Major Projects as of the 20 October 2024.

REPORT

(a) Background

Leeton Shire Council continues to have an extensive program of capital works.

The projects are helping to build or renew critical infrastructure in our towns, upgrade facilities to provide a better standard of living, boost local jobs creation, revitalise the economy and increase the liveability of Leeton Shire.

(b) Discussion

Refer to (**Attachment 1**) – Capital Works Project Status Update Report as of the 20 October 2024.

(c) Options

Nil – this report is noting for information only.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

All financials are included in the attachment for each project.

(b) Policy

Procurement Guidelines Quick Reference
Procurement Policy
Procurement Procedure

(c) Legislative/Statutory

Local Government (General) Regulation 2021
Local Government Act 1993
Modern Slavery Act 2018

(d) Risk

Risks for each project are outlined in the attached Capital Works Update Report "Risk Management" section. Detailed risk assessments form part of the project management process for each project.

CONSULTATION

(a) External

Each capital work report addresses stakeholder engagement.

(b) Internal






Senior Management Team
Manager Roads and Drainage
Manager Water and Wastewater
Manager Open Spaces and Recreation
Manager Governance, Corporate and Customer Service
Project Manager

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)








- 4. Economic Development
- 4.2 Develop land at Vance Industrial Estate and WR Connect Freight Intermodal - ideally break even to Council in the long term.
- 4.2.1 Facilitate the growth of local industry by developing Vance Industrial Estate (North)








ATTACHMENTS

1. Capital Project Status Report Update - October 2024 [**8.3.2.1** - 4 pages]






	Project Name	Chelmsford Town Square (Formally CBD Phase 3) including Chelmsford Town Square, Sycamore Carpark Toilet and Roxy Corner		Current Phase	Definition		Report Date	October 2024
					Approval			
					Delivery		Completion	September 2024
					Completion	x		
Key Project Team Members	PCG (Chair)	Silas Darby (Director Operations)	Project Manager / Author	Josh Clyne (Manager Open Space & Recreation)	Asset Owner	<ul style="list-style-type: none"> • Manager Open Space & Recreation • Manager Roads & Drainage (roads and stormwater) • Manager Water & Wastewater (water and sewer services) 		
Key Project Aspects		Comments						
Project Scope		<ul style="list-style-type: none"> • Create an open, continuous, vibrant, and inclusive parkland setting that restores Sir Walter Burley Griffin's vision of a central town square with bold features. Widen Park islands into adjoining traffic lanes and replace a little used traffic crossing. Install a raised pedestrian walkway to provide a safe crossing point and a strong visual connection. • Incorporate mature Canary Island Date palms into concept design and undertake further linear tree plantings up to the historic water towers that will draw pedestrians along the lines of the entire open space. • Develop a staired landing below the water tower with disability access • Reinstate refurbished heritage lights focusing on the heritage band rotunda central to the landscape footprint • Refurbish existing historic band rotunda • Install projection lighting for illuminated art displays on water towers. • Complete Roxy corner works from CBD Stage 2 • Note: adult disabled change facilities and toilet at Sycamore Street carpark have been removed from scope due to cost management. Separate grant funds are being sought; Funder has agreed. 						
Milestones Achieved / Upcoming since last update		<p>Stage 3 works are substantially complete, and recent works include:</p> <ul style="list-style-type: none"> • All electrical works completed • Grass stage area completed including steps and balustrades • Sealing of road around all three stages complete • Awaiting backs to benches and additional balustrade at grass stage. <p>Roxy Corner</p> <ul style="list-style-type: none"> • The Roxy corner works were nearing completion with pedestrian access soon to be reinstated. Unfortunately a motor vehicle accident has delayed the completion significantly. 						
Project Schedule		<ul style="list-style-type: none"> • The overall project is now practically complete but some 8 weeks behind schedule. Consistent review of program schedules has allowed accurate monitoring of milestone completions; however, progress was slow in stage 3. 				Current Status	Previous Status	
Stakeholder Management		<ul style="list-style-type: none"> • Soft opening held on 11 September 2024. Formal opening to be decided. 						
Stakeholder Management		<ul style="list-style-type: none"> • Soft opening held on 11 September 2024. Formal opening to be decided. 						

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Risk Management	<ul style="list-style-type: none"> Important risks being managed: <ul style="list-style-type: none"> Risks have been managed well. Close monitoring of risks via the PCG has been comprehensive and no residual risks remain. The project is complete and any cost overruns have been managed within the overall budget. 								
Budget	Project Budget	LSC Contribution	Actual Costs (To Date)	Committed Costs	Variations	Forecast Cost			
	\$3,207,175 (now includes Roxy Corner works)	-	\$2,815,064	\$271,434	\$347,494 (includes Roxy Corner works)	\$3,167,375			
	Legacy Funding - \$2,000,000 grant LRCl - \$738,445 grant SCCF3 - \$268,730 grant (including additional \$6,113 left over funds reallocated from Skate Park expansion). Council (CBD Stage2) \$200,000 – (voted previously for Roxy Corner) The revised Chelmsford Town Square Project Budget is \$3,207,175 and except for Roxy Corner is fully grant funded (NSW Open Spaces Legacy Fund, NSW Stronger Country Communities and Local Roads & Community Infrastructure Phases 3 and 4).								
Procurement	Completed								
Total Project Status	Status	Comments							
		Project substantially completed, awaiting final small items to be completed but opened to the public.							

	Project Name	Vance Industrial Estate Expansion			Current Phase	Definition	Report Date	October 2024			
						Approval					
						Delivery			X	Estimated Completion	Oct 2022, June 2022, Oct 2023 March 2024 Feb/Mar 2025
						Completion					
Key Project Team Members	PCG (Chair)	Michelle Evans (Director Economic and Community Development)	Project Manager / Author	Silas Darby (Director Operations)	Asset Owner	Various coordinated by Director Operations: <ul style="list-style-type: none"> • Manager Roads & Drainage (roads and stormwater) • Manager Water & Wastewater (water and sewer services) • Manager Governance, Corporate and Customer Service (property sales transactions) 					
Key Project Aspects	Comments										
Project Scope	Council has acquired 20ha of land including a land swap and partial purchase. The goal is to develop an expanded industrial estate with roads, services, and energy supply (electricity and possibly gas). The available Council owned area will see 21 lots delivered. The land swap/subdivision was to deliver a usable site for the previous landowner by October 2022 by formal agreement, which has now been extended to October 2024. The project aim is to generate economic activity and aims to eventually break even.										
Milestones Achieved / Upcoming	<ul style="list-style-type: none"> • To date 3 lots have been 'sold' off the plans (pending subdivision approval). Sales contracts can not yet be executed. • Tenders were called and Council has determined at its November 2023 Council meeting to reject all tenders in favour of direct negotiation. • Two tenderers were selected to reprice the works and Excel Gray Bruni was the lowest price. • Separable Portion 1 – Site Earthworks (funded by LRCI Phase 3) is complete. • Land valuation complete as at October 2024. • Sewer, water, stormwater and electrical commenced. 										
Project Schedule	<ul style="list-style-type: none"> • A schedule of works has been developed by Excel Gray Bruni. • Contracted delivery dates have been extended by agreement with relevant landholders and grant funding bodies. • Delivery for Phase 3 of LRCI funding has been achieved. • 14 days of inclement weather have been reported to date. 					Current Status	Previous Status				
											
Stakeholder Management	<ul style="list-style-type: none"> • Original part landowner has been kept up to date with progress and timeframes, with further updates to be provided now that work is well under way. 										
Risk Management	<ul style="list-style-type: none"> • Risk management plan updated as at October 2024. Risks include: <ul style="list-style-type: none"> ○ Cost overruns ○ Weather delays ○ Sales pace ○ Sales sum ○ Increased costs for development impacting business case. Sale price of lots will be reviewed once new sales valuation received from valuer. ○ Selling of lots – these soon to recommence once sales prices reviewed. 										

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	<ul style="list-style-type: none"> o PCG meetings have commenced and are ongoing. o During the extensive earthworks program signs of non-friable asbestos were found on site. In line with the EPA requirements work was stopped and a hygienist employed. All such asbestos has now been removed and it is so certified. During the process, a small area of friable asbestos was located (burnt AC sheets). This removal work is now in train, but it is not interfering with the rest of the works. The total estimated cost of removal, currently, is \$110K excl GST which is well covered by the allowed contingency and is being closely monitored. o The delay in the works is more than covered by the contract and this is built into the program therefore no delay cost and no change to completion date at this time. o It is rumoured that industrial action at Essential energy is holding up “switch-ons” of new developments. We will update as soon as more information is at hand. 							New
Budget	Project Budget	LSC Contribution	Actual Costs	Committed Costs	Variations (Absorbed by contingency)	Forecast Cost		
	\$7.83M	\$5.50M (Loan)	\$2,064,104	\$4,455,523	\$110,000	\$7.83M		
	Funding has been approved from Local Roads Community Infrastructure funding phases 3 and 4 totalling \$2.277M, with loan funding in the amount of approx. \$5.5M making up the balance. The sale of the lots will generate approximately \$4.5M to pay down the loan. Management is investigating whether Council can be relieved of headworks costs (\$1M). Otherwise, water and sewer funds will be required to close the funding gap.							
Procurement	Completed							
Total Project Status	Status	Comments						
		Progress is good and after the asbestos was removed the works are back on track. The only long lead items that are not certain yet are the transformer deliveries.						
	Legend	On Track		At Risk		Major Concern		

9. NOTICES OF MOTION

10. CONFIDENTIAL MATTERS

ITEM 10.1. SUPPLY OF VARIOUS QUARRIED PRODUCT TENDER - LSC 2024-007

It is recommended that the Council resolve into Closed Council with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2). (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

ITEM 10.2. VANCE ESTATE STAGE 3 - LAND SALES

It is recommended that the Council resolve into Closed Council with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2). (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

11. CONCLUSION OF THE MEETING