



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Monday, 23 May 2022
Time: 9.15am
Location: Bourke Shire Council
29 Mitchell Street Bourke NSW

BUSINESS PAPER

Ordinary Council Meeting

23 May 2022

Mark Riley
General Manager

Time	Event	Representative	Organisation
9.00am	Community Open Forum for members of the public to address Council		
11.00am	Monthly Update	Inspector Peter Walton	Central North Police District



DECLARATION OF INTEREST FORM COUNCIL OFFICIAL

FOR USE AT COUNCIL AND COUNCIL MEETINGS

NAME OF COUNCIL OFFICIAL DECLARING INTEREST:
ACTION PROPOSED:
<p>Tick one box only:</p> <p><input type="checkbox"/> In my opinion, my interest is pecuniary, and I am therefore required to take the action specified in Part 4 of Council’s Code of Conduct.</p> <p><input type="checkbox"/> In my opinion, my interest is non-pecuniary but significant. I am unable to remove the source of conflict. I am therefore required to treat the interest as if it were pecuniary and take the action specified in clause 5.10 of Council’s Code of Conduct.</p> <p><input type="checkbox"/> In my opinion, my interest is non-pecuniary and less than significant. I therefore make this declaration as I am required to do pursuant to clause 5.11 of Council’s Code of Conduct. However, I intend to continue to be involved with the matter.</p>
COUNCIL OFFICIAL
<p>I, _____ (name of COUNCIL OFFICIAL) disclose the above interest and acknowledge that I will take appropriate action as I have indicated above.</p> <p>Signed: _____ Date: _____</p>
GENERAL MANAGER – required for all declarations:
<p>I have noted the above declaration and I note your opinion and/or the action you have proposed.</p> <p>Signed: _____ Date: _____</p>
DEFINE YOUR INTEREST:
<p>Is your interest:</p> <p><input type="checkbox"/> Pecuniary (see dealing with pecuniary interests)?</p> <p><input type="checkbox"/> Non pecuniary (see dealing with non-pecuniary interests)</p>
MATTER IN WHICH YOU HAVE AN INTEREST: (Please provide full details, including item number on Council agenda)
NAME OF THE INTEREST:
<p>Be specific and include information such as:</p> <ul style="list-style-type: none"> - The names of any person or organisation with which you have a relationship; - The nature of your relationship with the person or organisation; - The reason(s) why you consider the situation may (or may be perceived to) give rise to a conflict between your personal interests and your public duty as a COUNCIL OFFICIAL .

<p>MANAGING LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS:</p> <p>Clause 5.11 of Council’s Code of Conduct provides that if you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide an explanation of why you consider that conflict does not require further action in the circumstances.</p>
<p>IS YOUR NON-PECUNIARY INTEREST LESS THAN SIGNIFICANT?</p> <p>If you are of the view that your non-pecuniary interest is less than significant, please provide your explanation directly below (only complete if you are claiming that your non-pecuniary interest is less than significant).</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>DEFINITIONS:</p> <p>A PECUNIARY INTEREST is an interest that a designated person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (see Part 4 of Council’s Code of Conduct).</p> <p>A NON-PECUNIARY INTEREST is a private or personal interest that does not amount to pecuniary interest as defined by Part 5 of Council’s Code of Conduct.</p>
<p>MANAGING PECUNIARY INTERESTS:</p> <p>Part 4.10 of Council’s Code of Conduct requires designated persons to declare in writing to the General Manager the nature of a pecuniary interest the person has in any Council matters, as soon as practicable after becoming aware of the interest.</p>
<p>MANAGING SIGNIFICANT NON-PECUNIARY INTERESTS:</p> <p>Clause 5.10 of Council’s Code of Conduct provides that you must manage a significant non-pecuniary interest by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29 of the Code.</p>
<p>MANAGING NON-PECUNIARY INTERESTS:</p> <p>Clause 5.8 of Council’s Code of Conduct states that how you manage a non-pecuniary interest will depend on whether or not it is significant. Clause 5.9 of Council’s Code of Conduct states that, as a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but involves:-</p> <ul style="list-style-type: none"> a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 of the Code or another person from the council official’s extended family that the council official has a close personal relationship with, or another person living in the same household; b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship; c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official’s affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation; d) membership, as the council’s representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter; e) a financial interest (other than an interest of a type referred to in clause 4.6 of the Code) that is not a pecuniary interest for the purposes of clause 4.1 of the Code; f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

Statement of ethical obligations

In accordance with Councils adopted Code of Meeting Practice (Clause 3.23), Councillors are reminded of their Oath or Affirmation of Office made under section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

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- 1 OPENING PRAYER**
- 2 ACKNOWLEDGEMENT OF COUNTRY**
- 3 REMEMBRANCE**
- 4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
- 5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS**
- 6 DISCLOSURES OF INTEREST**

7 MAYORAL MINUTE**7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES**

File Number: M2.1
Author: Barry Hollman, Mayor
Authoriser: Mark Riley, General Manager
Attachments: Nil

The Activities of the Mayor from 23 April 2022 to 17 May 2022 are as follows:

Date	Meeting	Location
25/04/2022	Anzac Day Memorial Service	Bourke Cenotaph
26/04/2022	Bourke Shire Council Meeting	Shire Chambers
02/05/2022	Western Division Councils of NSW Mid Term Conference	Cobar Golf and Bowls Club
03/05/2022	Western Division Councils of NSW Mid Term Conference	Cobar Golf and Bowls Club
05/05/2022	GM Interviews	Shire Chambers
06/05/2022	Border Regional Organisation of Councils Meeting	Shire Conference Room
16/05/2022	Bourke Shire Extraordinary Meeting	Shire Chambers

Recommendation

That the information in the Mayoral Minute – Mayoral Activities as presented to Council on Monday, 23 May 2022 be noted.

7.2 * GENERAL MANAGER RECRUITMENT**

File Number: S6.30
Author: Barry Hollman, Mayor
Authoriser: Barry Hollman, Mayor
Attachments: Nil

Background

Council has completed the recruitment process for the General Manager's position with assistance from Local Government NSW Management Solutions

Current Situation

The General Manager will distribute the report and recommendations at the Council meeting 23 May 2022.

Financial Implications

Nil

Recommendation

That the late report distributed by the General Manager be adopted.

8 STARRING OF ITEMS

9 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 26 April 2022

Extraordinary Council Meeting - 16 May 2022



MINUTES

Ordinary Council Meeting

26 April 2022

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**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON TUESDAY, 26 APRIL 2022 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Lachlan Ford (Deputy Mayor), Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge, Cr Robert Stutsel

IN ATTENDANCE: Mark Riley (General Manager), Leonie Brown (Manager of Corporate Services), Alex Saju (Manager Roads Services), Dwayne Willoughby (Manager Environmental Services), Margo Anderson (Executive Assistant)

1 OPENING PRAYER

Councillor Dorrington opened the meeting with a prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then provided an Acknowledgment of Country.

3 REMEMBRANCE

Council stood in silence in the memory of the following recently deceased:

John Bartley Henry (Peter) O'Shannessy Josie Whyte

Carol Milgate

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Resolution 2022/65

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That the apologies received from Cr Barton, Cr Davis and Cr Ryan be accepted and leave of absence granted.

Carried

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Nil

6 DISCLOSURES OF INTEREST

Cr Grace Ridge declared a pecuniary interest in Item 22.2 of the Agenda – North Bourke Stormwater Drainage. The reason for such interest is that Councillor Ridge and her family have a business relationship with the owner of the land detailed within the report. In making her

declaration Councillor Ridge advised that she would leave the Chamber and be out of sight during Council's consideration of the matter

Ms Leonie Brown, Manager Corporate Services, declared a pecuniary interest in respect of Business Arising Item No 12.1 of today's Council agenda – Business Arising - General Manager Recruitment, such that she will leave the room and be out of sight if there is discussion of this matter. The reason for such interest is that Ms Brown may be a candidate for the role of General Manager.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - MAYORAL ACTIVITIES

File Number: M2.1

The Council had before it the report of the Mayor regarding the Mayoral Minute - Mayoral Activities.

Resolution 2022/66

Moved: Cr Barry Hollman

That the information in the Mayoral Minute as presented to Council on Tuesday, 26 April 2022 be noted.

Carried

8 STARRING OF ITEMS

Council's Code of Meeting Practice provides that Council may at any time, resolve to adopt multiple items of business on the agenda by way of a single resolution.

In this regard the council had before it a list of reports, unstarred, with such items proposed to be adopted by Council in a single resolution.

Resolution 2022/67

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Tuesday, 26 April 2022 be adopted.

Carried

9 CONFIRMATION OF MINUTES

Resolution 2022/68

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That the minutes of the Ordinary Council Meeting held on 28 March 2022 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

10 NOTICES OF MOTION

Nil

11 RESCISSION MOTIONS

Nil

12 BUSINESS ARISING

12.1 * BUSINESS ARISING**

File Number: C12.1

The Council had before it the report of the General Manager regarding the Business Arising.

Resolution 2022/69

Moved: Cr Victor Bartley

Seconded: Cr Robert Stutsel

That the information in the Business Arising Report as presented to Council on Tuesday 26 April 2022 be noted.

Carried

12.2 CALENDAR OF EVENTS

File Number: C12.6

The Council had before it the report of the General Manager regarding the Calendar of Events.

Resolution 2022/70

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the information in the Calendar of Events Report as presented to Council on Tuesday, 26 April 2022 be noted.

Carried

12.3 INFORMATION TO COUNCILLORS

File Number: C12.1

The Council had before it the report of the General Manager regarding the Information to Councillors.

Resolution 2022/71

Moved: Cr Victor Bartley

Seconded: Cr Sam Rice

That the contents of the Information to Councillors Report as presented to Council on Tuesday 26 April 2022 be noted.

Carried

13 ENGINEERING SERVICES DEPARTMENT

Nil

14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT

Nil

15 GENERAL MANAGER

15.1 * CODE OF MEETING PRACTICE**

File Number: C11.1, C12.1

The Council had before it the report of the General Manager regarding the Code of Meeting Practice.

Resolution 2022/72

Moved: Cr Robert Stutsel

Seconded: Cr Sam Rice

That pending any prescribed amendments, Council adopt the draft "Code of Meeting Practice" as its adopted Code for the term of the Council ending 14 September 2024.

Carried

15.2 * PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY**

File Number: C11.1

The Council had before it the report of the General Manager regarding the Payment of Expenses and Provision of Facilities Policy.

Resolution 2022/73

Moved: Cr Cec Dorrington

Seconded: Cr Sam Rice

That pending any prescribed amendments, Council adopt the draft "Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy" as its adopted Policy for the term of the Council ending 14 September 2024.

Carried

15.3 COUNCILLOR INDUCTION TRAINING AND PROFESSIONAL DEVELOPMENT

File Number: C11.1

The Council had before it the report of the General Manager regarding the Councillor Induction Training and Professional Development.

Resolution 2022/74

Moved: Cr Robert Stutsel

Seconded: Cr Sam Rice

- 1. That the report of the General Manager be noted and that the information be utilised in preparing Councils 2022/2023 Annual Report, as required.**
- 2. That as per the Local Government (General) Regulation, the General Manager be requested to take the necessary action and prepare an ongoing professional development program for delivery to the Mayor and Councillors, during the current term of office.**

Carried

16 CORPORATE SERVICES DEPARTMENT

16.1 * BANK RECONCILIATION & STATEMENT OF BANK BALANCES**

File Number: F1.1

The Council had before it the report of the Manager of Corporate Services regarding the Bank Reconciliation & Statement of Bank Balances.

Resolution 2022/75

Moved: Cr Cec Dorrington

Seconded: Cr Lachlan Ford

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 31 March 2022 be noted.

Carried

16.2 * INVESTMENT REPORT AS AT 31 MARCH 2021**

File Number: F1.1

The Council had before it the report of the Manager of Corporate Services regarding the Investment Report as at 31 March 2021.

Resolution 2022/76

Moved: Cr Cec Dorrington

Seconded: Cr Lachlan Ford

- 1. That the report regarding Council's Investment Portfolio 31 March 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried

16.3 * BUDGET REVIEW TO 31 MARCH 2021**

File Number: F1.6

The Council had before it the report of the Manager of Corporate Services regarding the Budget Review to 31 March 2021.

Resolution 2022/77

Moved: Cr Cec Dorrington

Seconded: Cr Victor Bartley

- 1. That the document titled "Quarterly Budget Review Statement – March 2022" be received and noted.**
- 2. That the variations of income and expenditure as identified in the "Quarterly Budget Review Statement – March 2022" be adopted.**

Carried

16.4 * DRAFT OPERATIONAL PLAN 2022/2023 - OVERVIEW**

File Number: P4.1

The Council had before it the report of the Manager of Corporate Services regarding the Draft Operational Plan 2022/2023 - Overview.

Resolution 2022/78

Moved: Cr Sam Rice

Seconded: Cr Robert Stutsel

That the report of the Manager of Corporate Services detailing an overview of the 2022/2023 Draft Delivery and Operational Plan be noted.

Carried

16.5 * PLANT REPLACEMENT SCHEDULE**

File Number: P3.1-P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Plant Replacement Schedule.

Resolution 2022/79

Moved: Cr Cec Dorrington

Seconded: Cr Grace Ridge

That the Plant Replacement Schedule as detailed be included in the Draft Operational Plan 2022/2023.

Carried

16.6 * SALE OF ASSETS TO BE CONDUCTED BY COUNCIL**

File Number: A11.1.1

The Council had before it the report of the Manager of Corporate Services regarding the Sale of Assets to be Conducted by Council.

Resolution 2022/80

Moved: Cr Cec Dorrington

Seconded: Cr Grace Ridge

That the sale of listed plant for inclusion in the Draft Operational Plan 2022-2023 be approved.

Carried

16.7 * LOAN SCHEDULE**

File Number: P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Loan Schedule.

Resolution 2022/81

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

That Council borrow up to \$1,240,000.00 in the 2022/2023 financial year to fund the projects as listed.

Carried

16.8 * REVENUE POLICY**

File Number: P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Revenue Policy.

Resolution 2022/82

Moved: Cr Sam Rice

Seconded: Cr Lachlan Ford

- 1. That Council note the amended Draft Revenue Policy for 2022/2023.**
- 2. That Council adopts a filtered water price of \$2.31/KL for the 2022/2023 rating period while maintaining the set increase of 2.1% in all water access charges.**
- 3. That Council adopts an increase of 2.1% in Sewerage Rates & Charges for the 2022/2023 rating period.**
- 4. That Council adopt the maximum interest rate as provided by the Office of Local Government under section 566 (3) of the Local Government Act, being 6%.**
- 5. That Council adopts the Domestic Waste Management Charges as detailed and include in the Draft Operational Plan 2022/2023.**
- 6. That Council adopt the Schedule of Rates and Charges for inclusion in the Draft Operational Plan 2022/2022.**

Carried

16.9 * FEES & CHARGES**

File Number: F1.2-P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Fees & Charges.

Resolution 2022/83

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That Council adopt the Fees and Charges, as presented, for inclusion in the Draft Operational Plan 2022/2023.

Carried

16.10 * DRAFT OPERATIONAL PLAN**

File Number: P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Draft Operational Plan.

Resolution 2022/84

Moved: Cr Robert Stutsel

Seconded: Cr Cec Dorrington

- 1. That Council approve the Draft Operational Plan for 2022/2023 for the purposes of being advertised and calling for submissions in accordance with Section 405 (3) of the Local Government Act.**
- 2. That Council again review the Draft Operational Plan for 2022/2023 and any submissions received at the Ordinary Meeting of Council scheduled for Monday, 27 June 2022.**

Carried

16.11 * DRAFT DELIVERY PROGRAM 2023-2027**

File Number: P4.1

The Council had before it the report of the Manager of Corporate Services regarding the Draft Delivery Program 2023-2027.

Resolution 2022/85

Moved: Cr Cec Dorrington

Seconded: Cr Grace Ridge

- 1. That Council note the draft Delivery Program**
- 2. That the draft Delivery Program be placed on public exhibition for comment for a period of 28 days.**

Carried

16.12 * 2022-2026 DRAFT DELIVERY PROGRAM AND 2022/2023 OPERATIONAL PLAN PREPARATION TIMETABLE**

File Number: A4.3-P4.2

The Council had before it the report of the Manager of Corporate Services regarding the 2022-2026 Draft Delivery Program and 2022/2023 Operational Plan preparation Timetable.

Resolution 2022/86

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That Council confirm the proposed timetable for finalisation of the Delivery Program 2022-2026 and Operation Plan 2022/2023 as follows:

Tuesday, 26 April 2022	Consideration and Determination of Draft Delivery Program and Operational Plan and approval to put on public exhibition including the calling for submissions.
Monday, 9 May 2022	Disseminate required public notice calling for submissions on Draft Delivery Program and Operational Plan.
Monday, 6 June 2022	Closing date for receipt of submissions at 4.30pm.
Monday, 27 June 2022	Adoption of Delivery Program 2022-2026 and Operational Plan 2022/2023, after due consideration of any submissions received.

Carried

16.13 LONG TERM FINANCIAL PLAN

File Number: P4.2

The Council had before it the report of the Manager of Corporate Services regarding the Long Term Financial Plan.

Resolution 2022/87

Moved: Cr Grace Ridge

Seconded: Cr Robert Stutsel

- 1. That following the preparation of the draft Long Term Financial Plan for 2022/2032, the draft Plan be advertised in accordance with Section 405 (3) of the Local Government Act.**
- 2. That Council review the Draft Long Term Financial Plan for 2022/2032 and any submissions received at the Ordinary Meeting of Council scheduled for Monday, 27 June 2022.**

Carried

17 ECONOMIC DEVELOPMENT DEPARTMENT

Nil

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

21 ACTIVITY REPORTS

21.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED

File Number: E7.1

The Council had before it the report of the Manager Roads regarding the Engineering Services Road Works & Workshop - Works Completed.

Resolution 2022/88

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Tuesday, 26 April 2022.

Carried

21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT

File Number: E7.1

The Council had before it the report of the Manager Works regarding the Parks & Gardens / Town Services / Water & Wastewater Engineering Services Activity Report.

Resolution 2022/89

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That Council note the information in the Parks and Gardens, Town Services and Water and Waste Water Activity Report as presented to Council on Tuesday, 26 April 2022 be received and noted.

Carried

21.3 PLANNING, REGULATORY & ENVIRONMENT ACTIVITY REPORT

File Number: D3.1, A11.1, A8.1, S10.1

The Council had before it the report of the Manager Environmental Services regarding the Planning, Regulatory & Environment Activity Report.

Resolution 2022/90

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the information in the Environmental Services Activity Report as presented to Council on Tuesday, 26 April 2022 be received and noted.

Carried

21.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: G2.1

The Council had before it the report of the General Manager regarding the General Manager's Activity Report.

Resolution 2022/91

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the information in the General Manager's Activity Report as presented to Council on Tuesday, 26 April 2022 be noted.

Carried

21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR FEBRUARY

File Number: L4.1

The Council had before it the report of the Library Manager regarding the Library Manager's Activity Report for February.

Resolution 2022/92

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the information in the Library Manager's Report for March 2022 as presented to Council on Tuesday, 26 April 2022 be noted.

Carried

21.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT

File Number: T4.1

The Council had before it the report of the Manager Tourism & Events regarding the Tourism & Events Manager's Activity Report.

Resolution 2022/93

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

That the information in the Tourism and Events Manager's Activity Report for March 2022 as presented to Council on Tuesday, 26 April 2022 be noted.

Carried

22 CLOSED SESSION

At this juncture, the Council gave consideration to moving into Closed Session of Council.

Resolution 2022/94

Moved: Cr Cec Dorrington

Seconded: Cr Robert Stutsel

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 * Tender 02/22 - Bourke Memorial Olympic Swimming Pool Complex Learn to Swim Pool and Filtration Plant**

This matter is considered to be confidential under Section 10A(2) - (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.2 * North Bourke Stormwater Drainage**

This matter is considered to be confidential under Section 10A(2) - (g) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 10.03am.

22.1 * TENDER 02/22 - BOURKE MEMORIAL OLYMPIC SWIMMING POOL COMPLEX LEARN TO SWIM POOL AND FILTRATION PLANT**

File Number: S10.1

The Council had before it the report of the Manager Environmental Services regarding the Tender 02/22 - Bourke Memorial Olympic Swimming Pool Complex Learn to Swim Pool and Filtration Plant.

Resolution 2022/95

Moved: Cr Lachlan Ford

Seconded: Cr Robert Stutsel

- 1. That Council notes the Facilities Design Group assessment of tenders received for Phase one (1) of the Memorial Olympic Swimming Pool upgrade being the Learn to Swim Pool and Filtration Plant components.**
- 2. That as per the tender assessment, Council award the tender for phase one (1) of the Memorial Olympic Swimming Pool upgrade, being the Learn to Swim Pool and Filtration Plant components, to Hydrocare Pools at a price of \$1,667,383 (ex GST).**
- 3. That any necessary documents be executed under the Common Seal of Council.**

Carried

At this juncture, Cr Grace Ridge left the meeting, the time being 10:09 am.

22.2 * NORTH BOURKE STORMWATER DRAINAGE**

File Number: D6.1, D6.2, V1.6

The Council had before it the report of the General Manager regarding the North Bourke Stormwater Drainage matter.

Resolution 2022/96

Moved: Cr Robert Stutsel

Seconded: Cr Victor Bartley

- 1. That the information in the report of the General Manager from March 2022 be noted.**
- 2. That the Mayor and General Manager be requested to take the necessary action in pursuit of potentially acquiring land in respect of this drainage matter, for a further report to Council.**
- 3. That the Mayor and General Manager be requested to brief Mr G Seiler on the progress of this matter.**
- 4. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

At this juncture, Cr Grace Ridge returned to the meeting, the time being 10:14 am.

Resolution 2022/97

Moved: Cr Victor Bartley

Seconded: Cr Robert Stutsel

That Council moves out of Closed Council into Open Council.

Carried

Open council resumed at 10.14am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the General Manager read to the meeting the Councils resolutions as determined in the Closed Session of Council.

The Meeting closed at 10.16am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 May 2022.

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CHAIRPERSON



MINUTES

Extraordinary Council Meeting

16 May 2022

Order Of Business

1	Opening Prayer	3
2	Acknowledgement of Country	3
3	Apologies and Applications for Leave of Absence by Councillors	3
4	Attendance by Audio Visual Link by Councillors	3
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6	Closed Session.....	4
6.1	*** Mayoral Minute - General Managers Recruitment.....	4

**MINUTES OF SHIRE OF BOURKE
EXTRAORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 16 MAY 2022 AT 11.00AM**

At the designated meeting time, the Mayor was the only Councillor in attendance. Due to the lack of a quorum, the Mayor as Chairman, adjourned the meeting until 1.00pm, the same day, Monday 16 May 2022.

The reason for such lack of a quorum was as a result of Councils Recruitment Consultant and General Manager being delayed due to travel issues with all Councillors having been advised of the 2 hour delay.

At 1.00pm the Mayor as Chairman reconvened the meeting.

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Lachlan Ford (Deputy Mayor), Cr Cec Dorrington, Cr Sam Rice, Cr Grace Ridge, Cr Nathan Ryan, Cr Robert Stutsel

IN ATTENDANCE: Mark Riley (General Manager).

1 OPENING PRAYER

The Mayor opened the meeting with a prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country.

3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Requests for Leave of Absence were received from Councillor Sarah Barton and Councillor Sally Davis who were absent from the meeting for personal reasons.

Resolution 2022/98

Moved: Cr Sam Rice

Seconded: Cr Grace Ridge

That such requests for Leave of Absence be accepted and Councillor Sarah Barton and Councillor Sally Davis be granted leave of absence from this meeting.

Carried

4 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Nil

5 DISCLOSURES OF INTEREST

Cr Cec Dorrington declared a non pecuniary non significant interest in Item No 6.1 of the agenda- General Manager Recruitment. The reason for such interest is that Cr Dorrington has a distant family relationship with one of the applicants for the position of General Manger. In making his declaration Cr Dorrington advised that he would continue to be involved in the matter.

6 CLOSED SESSION

At this juncture, the Council gave consideration to moving into Closed Session of Council.

Resolution 2022/99

Moved: Cr Grace Ridge

Seconded: Cr Cec Dorrington

That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

6.1 *** Mayoral Minute - General Managers Recruitment

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 1.04pm.

6.1 *** MAYORAL MINUTE - GENERAL MANAGERS RECRUITMENT

File Number: S6.24

The Council had before it the Mayoral Minute regarding the General Manager's Recruitment. The Council reports having met with two (2) candidates for the position of General Manager.

Resolution 2022/100

Moved: Cr Barry Hollman

1. That in accordance with the Guidelines for the Appointment and Oversight of General Managers, as issued by the Office of Local Government July 2011, Council authorise the Mayor to:
 - a. Offer the preferred candidate, as determined by Council, the position of General Manager Bourke Shire Council for an initial term of five (5) years;
 - b. Offer the second preferred candidate, as determined by Council, the position of General Manager Bourke Shire Council for an initial term of five (5) years in the event that negotiations with the preferred candidate prove unsuccessful.

2. That following such negotiations, a further Mayoral Minute be submitted to Council at its meeting of 23 May 2022 announcing the successful applicant.
3. That any necessary documents be executed under the Common Seal of Council.
4. That the documents and considerations remain confidential to the Council.

Carried

Resolution 2022/101

Moved: Cr Victor Bartley

Seconded: Cr Grace Ridge

That Council move out of Closed Council and into Open Council.

Carried

Open Council resumed at 3.12pm.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Chairman, the General Manager read to the meeting the Councils resolutions as determined in the Closed Session of Council.

The Meeting closed at 3.15pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Shire of Bourke held on 23 May 2022.

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CHAIRPERSON

10 NOTICES OF MOTION

Nil

11 RESCISSION MOTIONS

Nil

12 BUSINESS ARISING

12.1 * BUSINESS ARISING**

File Number: C12.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Business outstanding from previous meetings.

Current Situation

KEY: Action Still Pending Action in Progress Action Complete

GM GENERAL MANAGER	MW MANAGER WORKS
MCS MANAGER CORPORATE SERVICES	MRS MANAGER ROAD SERVICES
MES MANAGER ENVIRONMENTAL SERVICES	EDM ECONOMIC DEVELOPMENT MANAGER

362/2018	BIODIVERSITY CONSERVATION ACT 2016 - UPDATE
RESPONSIBLE OFFICER	DWAYNE WILLOUGHBY - MANAGER ENVIRONMENTAL SERVICES
FILE NUMBER	E6.1-E6.4-L8.1

DECISION	ACTION TAKEN
1. That Council undertake a review of the potential impact on the sale of land held for industrial development including obtaining specialist advice as appropriate. 2. That on finalisation of that review a further report be brought back to Council	Continue to lobby Government – matter evolving.

427/2018	PROPOSED CHANGE OF MANAGEMENT OF THE PCYC
RESPONSIBLE OFFICER	MARK RILEY - GENERAL MANAGER
FILE NO	L1.17-Y1.7-LD-L11.14.3

DECISION	ACTION TAKEN
That the General Manager prepare a detailed report in relation to the matter, including the seeking of legal advice if necessary	1. In progress. 2. Teleconference held 20/08/2020. 3. Correspondence sent to PCYC 25/8/20 and followed up for response 20/10/20 & 16/11/2020. 4. Matter further discussed with Crown Lands staff on 09/03/2021 for their contact with PCYC. 5. Further discussions held in July 2021 with Crown Lands in regard to their

	<p>contact with PCYC with correspondence sent to PCYC as a follow up to discussions.</p> <p>6. PCYC have advised that as a result of internal management changes they wish to defer discussions on land management till mid-2022.</p>
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156/2019	CONFIDENTIAL – CONSTRUCTION OF SEWERAGE TREATMENT PLANT FACILITIES
RESPONSIBLE OFFICER	LEONIE BROWN - MANAGER OF CORPORATE SERVICES PETER BROWN - MANAGER OF WORKS
FILE NO	S3.2.3
DECISION	ACTION TAKEN
That Council continue with its representations to obtain funding for the additional costs anticipated to be incurred in the construction of the new Additional Sewage Treatment Facilities in Bourke	<ol style="list-style-type: none"> Ongoing. Water use study near completion. Will then make application for additional funding.

274/2019	DROUGHT – WATER UPDATE
RESPONSIBLE OFFICER	LEONIE BROWN - MANAGER OF CORPORATE SERVICES
FILE NO	W2.2.9 – W2.2.9.1
DECISION	ACTION TAKEN
That the General Manager write to the State Government seeking their urgent consideration of the construction of a regulator or additional weir including a fish ladder upstream of Bourke at a location identified as BU8	<ol style="list-style-type: none"> Letter sent & meeting held. State Government commits to preparation of Western Weirs Strategy. Teleconference involving staff and Councillors held with State Water on 22/9/2020 re Strategy. Meeting held with DPIE representatives on 10/11/2020 & 11/11/2020. Further briefings on Strategy held 10/02/2021 and 24/05/2021. Discussions held by GM with Jim Betts in July 2021 Secretary, DPIE, in regard to the Weir Strategy Project and its prolonged timeframes. NSW Govt. in Oct 2021 announced the Better Baaka Program which includes Weir renewals on the Darling and specifically upgrading of the Bourke Weir. Meeting with DPIE to be held in Bourke on 23 November 2021. Meeting held DPIE 23/11/2021 with Jim Bently and his team via Video conference regarding Better Baaka Better Bidgee project. Meeting held in December 2021 with

	<p>Andrew Lavelle regarding the Weir upgrade at Bourke and connectivity strategy.</p> <p>10. Contact made with Minister Pavey’s Office re concerns regarding potential removal of downstream weirs.</p> <p>11. GM and MCS met with DPIE officers undertaking Western Regional Water Strategy consultation in Bourke on 8 March 2022 raising concern at the potential loss of downstream weirs.</p> <p>12. Contact made in March 2022 with Andrew Lavelle of DPIE re weir progress. Advised that Western Weirs project is progressing following completion of Strategic Business Case. Advised that he will be seeking to have further conversations re weirs downstream.</p> <p>13. Meeting held with Graham Attenborough and Jason Gordon of DPIE on 15 March 2022 re all things water including weir.</p>
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2020/111	DUAL NAMING OF THE DARLING RIVER – DARLING RIVER BAAKA
RESPONSIBLE OFFICER	LEONIE BROWN – MANAGER OF CORPORATE SERVICES
FILE NO	R6.5
DECISION	ACTION TAKEN
That Council seek further clarification from the GNB on which section of the Darling River will be dual named Baaka and will the name be Darling Baaka River / Baaka Darling River or Darling River Baaka.	<ol style="list-style-type: none"> 1. Ongoing. Geographical Names Board GNB contacted. 2. Investigations are continuing by GNB. 3. GNB advised in July 2021 that it would be undertaking consultation in August 2021 in regard to dual name proposal. 4. GNB subsequently advised in August that due to COVID the consultations will now be undertaken in 2022.

2020/236	14.2 BOURKE AIRPORT DEVELOPMENT PROPOSAL
RESPONSIBLE OFFICER	MARK RILEY - GENERAL MANAGER
FILE NO	A6.1
DECISION	
That Council seeks quotations for the preparation of a Master Plan at the Bourke Airport to determine the availability of land for the proposed development and future developments.	
ACTION TAKEN	
Brief prepared, quotations to be invited.	

2020/325 & 326	REVIEW OF CAPITAL WORKS PROGRAM 2019/2020 AND REALLOCATION OF FUNDS – ITEM 15.5 - MOUNT OXLEY
RESPONSIBLE OFFICER	MARK RILEY – GENERAL MANAGER
FILE NO	R2.5
DECISION	
<ol style="list-style-type: none"> 1. That Council notes the report on the responsibility and current condition of the access road to the summit of Mount Oxley. 2. That Council notes the status of telecommunication infrastructure located atop Mount Oxley. 3. That following a Title Search discussion be held with the owners of the land and the various owners of the telecommunications infrastructure atop Mount Oxley with a view to sourcing funding for at least the \$80,000 in maintenance work and potentially a further \$110,000 for the guard rail installation, for a further report to Council including consideration to any contribution by Council. 4. That Council investigates its potential liability as a result of the public use of the access road to the top of Mount Oxley and a report be submitted back to Council. 	
ACTION TAKEN	
<ol style="list-style-type: none"> 1. Extensive title searches have been completed. 2. Liability issues being pursued by Booth Brown Legal for further report. 3. Meeting held with Mr & Mrs Stalley on 10 December 2020. 4. Risk review undertaken by Council’s insurers on 16/03/21. Awaiting advice to allow instructions to be issued by Booth Brown Legal to prepare licence documentation. 5. Discussions held with NSW Telco Authority re potential for funding to assist with road upgrade. Costs advised. No funding available. 	

2019/439 & 2021/33	NORTH BOURKE BRIDGE REHABILITATION CONCEPT PLAN
RESPONSIBLE OFFICER	MARK GORDON – MANAGER ROAD SERVICES
FILE NO	B6.1
DECISION	
<ol style="list-style-type: none"> 1. Council continues to apply for funding to undertake the project 2. Council commits additional funds of \$269,922 from Councils Infrastructure Reserve Fund to ensure a total co-contribution from Council of \$969,922 (25%) to the Building Better Regions Fund Round 5, for North Bourke Bridge Renewal, if a funding application is successful. 	
ACTION TAKEN	
<ol style="list-style-type: none"> 1. Ongoing. 2. Letter received from Minister Toole 11/11/2020 advising upcoming funding opportunities for bridge. 3. Funds as resolved reserved in Councils accounts. 4. Application under Building Better Regions Fund lodged 11/02/2021. Application unsuccessful. 5. Strategy prepared for investigation, assessment and restoration of bridge for input into Tourism Grant Application. 	

	<ol style="list-style-type: none"> 6. Application lodged in August 2021. No response to date. 7. Representations made to Member for Barwon, Roy Butler MP regarding funding for Bridge. 8. Further application under Building Better Regions Fund lodged February 2022. 9. Council resolved 25 February 2022 to allocate funding of \$200,000 to engage a structural engineer to prepare documentation to allow Council to invite tenders for restoration of the bridge. 10. Quotations to be invited.
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2021/302	WESTERN GOLF CHALLENGE
RESPONSIBLE OFFICER	MEL MILGATE, ECONOMIC DEVELOPMENT MANAGER
FILE NO	D5.1, S4.1 and S5.1
DECISION	ACTION TAKEN
That Council accede to the request from Gary Begg – Regional Manager Golf NSW requesting financial support in the amount of \$2,000 to assist with the grant application for the proposed Western Golf Challenge 2022.	<ol style="list-style-type: none"> 1. EDM spoken with Gary Begg to confirm support. 2. Western Golf Challenge Grant Application to be completed start of 2022. 3. Letter of support from Bourke Shire Council drafted and pending advice from Mr Begg of other towns support as to the challenge proceeding before sending.

2021/355	ROAD CLASSIFICATION REVIEW
RESPONSIBLE OFFICER	ALEX SAJU, MANAGER ROADS
FILE NO	R7.1, R7.4.3
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That Council provide a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing that ownership of the Bourke – Milparinka Rd (Wanaaring Rd) be transferred to the NSW Government, as a minimum. 2. That the transfer of any Regional Roads to Government in the Bourke Shire being on the basis of Council entering into a contract with Government which would see Council continuing to undertake both improvement works, and the necessary programmed and emergency 	Submission to Review Panel prepared and submitted.

<p>maintenance works on the transferred roadway(s).</p> <p>3. That Council also provides a submission to the Independent Panel on Road Classification Review and Regional Road Transfer proposing the reclassification from local road to regional road status of the following roads:</p> <ul style="list-style-type: none"> • RLR 5 – Caronga Peak to Wilga Downs (23km / no bridge); • RLR50 - Moleyarrah Road – Wanaaring to Hungerford (86.82km / no bridge); • RLR44 – Janina Road – Louth to Wanaaring (85.7km / no bridge); • RLR49 – West Culgoa Road – Bourke to Weilmoringle (82.82km / single lane bridge). 	
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2021/368	INTEGRATED WATER CYCLE MANAGEMENT STRATEGY
RESPONSIBLE OFFICER	PETER BROWN, MANAGER WORKS
FILE NO	W2.3

DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That Council accept funding in the amount of \$357,857 (Ex GST) under the Local Water Utility Infrastructure Programs Funding Scheme for town and village water supplies. 2. That Council accept the offer from Public Works Advisory for the preparation of a new Integrated Water Cycle Management Strategy for the Bourke township and Villages at a cost of \$477,143 (Ex GST). 3. That funding of \$119,286 (Ex GST) be sourced from Councils Water Fund Restricted Asset as Councils 25% contribution to the project. 4. That any necessary documents be executed under the Common Seal of Council. 5. That the documents and considerations remain confidential to the Council. 	<ol style="list-style-type: none"> 1. Funding Deed executed by Council. 2. Work progressing.

2021/370	MAYORAL MINUTE – GENERAL MANAGER RECRUITMENT
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	S6.24
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That the recruitment process as identified herewith be endorsed. 2. That the selection committee for the recruitment of the General Manager comprise the Mayor, Deputy Mayor and two (2) other Councillors. 3. That Council proceed to determine the two (2) councillors on the selection committee. 4. That it be noted that final interviews will involve full Council at an Extraordinary meeting. 5. That the timetable for the recruitment of General manager as identified herewith, be endorsed. 6. That in progressing this recruitment process, the Mayor be authorised to attend to any necessary matters. 	<ol style="list-style-type: none"> 1. Recruitment documentation including Position Description, Selection Criteria and Advertisement reviewed and approved by Selection Committee members. 2. Advertising of the position commenced on 4 February 2022. Applications close on 28 February 2022. 3. Selection Committee met on 7 March 2022. Role readvertised closing 4 April 2022. 4. Selection Committee met again on 11 April 2022. Matter progressing. 5. Extraordinary meeting of Council held on 16 May 2022. Report to be submitted to Council meeting of 23 May 2022.

2022/6	NOTICE OF MOTION - VILLAGE TOURS
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	C8.1, C11.1, P4.1
DECISION	ACTION TAKEN
All councillors be invited to attend any future Council Village Tours and community meetings.	Noted.

2022/11	EMPLOYMENT ZONE REFORM
RESPONSIBLE OFFICER	DWAYNE WILLOUGHBY, MANAGER ENVIRONMENTAL SERVICES
FILE NO	T5.1
DECISION	ACTION TAKEN
That the proposal to permit business premises, with consent, in the R1 General Residential Zone of the Bourke Local Environmental Plan be endorsed for the purposes of preparing	Matter proceeding.

a Planning Proposal for further consideration by Council in due course.	
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2022/48	REMOVAL OF TREES FROM MEMORIAL OLYMPIC SWIMMING POOL COMPLEX
RESPONSIBLE OFFICER	DWAYNE WILLOUGHBY, MANAGER ENVIRONMENTAL SERVICES
FILE NO	S10.2

DECISION	ACTION TAKEN
<ol style="list-style-type: none"> That Council proceed to remove the two (2) Gum trees from within the Bourke Memorial Swimming Pool Complex, to allow for development and upgrade works of the learn to swim pool, noting that such trees are outside the definition of a street tree as per Council's Street Tree policy. That Council staff replace the (2) Gum trees with suitable trees at other strategic locations within the pool complex. 	Matter proceeding.

2022/53	NSW OLG - COUNCILLOR SUPERANNUATION PAPER
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	C11.2

DECISION	ACTION TAKEN
<ol style="list-style-type: none"> That effective 1 July 2022, Council proceed to make superannuation contribution payments for Councillors. That Councils 2022/2023 Operational Plan be prepared on the basis of superannuation contribution payments being made to Councillors. 	<ol style="list-style-type: none"> Matter proceeding. Budget prepared accordingly.

2022/54	DRAFT COMMUNITY STRATEGIC PLAN
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	P4.1

DECISION	ACTION TAKEN
<ol style="list-style-type: none"> That the draft Community Strategic Plan as attached herewith be placed on public exhibition for a period of twenty-eight (28) days inviting the public to make submissions. That a further report be presented to Council following the submission period. 	On exhibition.

2022/63	CONTRACT MANAGEMENT OF THE BOURKE WAR MEMORIAL OLYMPIC SWIMMING POOL
RESPONSIBLE OFFICER	DWAYNE WILLOUGHBY, MANAGER ENVIRONMENTAL SERVICES
FILE NO	S10.1
DECISION	
ACTION TAKEN	
<ol style="list-style-type: none"> 1. That as per the existing Management Contract between Council and Mr Mark Hollman in respect of the Management of the Bourke War Memorial Olympic Swimming Pool Complex (BWMOSP), Council and Mr Hollman proceed to exercise the available 12-month option period ending 30 June 2023 at the agreed contract fee for the season as detailed in the report herewith. 2. That it be noted that as per the existing contract in respect of the management of the BWMOSP, it will be necessary for Council to invite tenders for the management Contract post the period ending 30 June 2023. 3. That entry fees at the Bourke War Memorial Olympic Swimming Pool Complex for the 2022/2023 period be included and exhibited as part of Councils 2022/2023 draft Operational Plan 	Matter proceeding.

2022/82	REVENUE POLICY
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	P4.2
DECISION	
ACTION TAKEN	
<ol style="list-style-type: none"> 1. That Council note the amended Draft Revenue Policy for 2022/2023. 2. That Council adopts a filtered water price of \$2.31/KL for the 2022/2023 rating period while maintaining the set increase of 2.1% in all water access charges. 3. That Council adopts an increase of 2.1% in Sewerage Rates & Charges for the 2022/2023 rating period. 4. That Council adopt the maximum interest rate as provided by the Office of Local Government under section 566 (3) of the Local Government Act, being 6%. 5. That Council adopts the Domestic Waste Management Charges as detailed and include in the Draft Operational Plan 2022/2023. 6. That Council adopt the Schedule of Rates and Charges for inclusion in the Draft Operational Plan 2021/2022. 	<ol style="list-style-type: none"> 1. Completed. 2. Advertised. 3. Advertised. 4. Advertised. 5. Advertised. 6. Advertised.

2022/83	FEEES AND CHARGES
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	F1.2, P4.2
DECISION	ACTION TAKEN
That Council adopt the Fees and Charges, as presented, for inclusion in the Draft Operational Plan 2022/2023.	Advertised.

2022/84	DRAFT OPERATIONAL PLAN
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	P4.2
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That Council approve the Draft Operational Plan for 2022/2023 for the purposes of being advertised and calling for submissions in accordance with Section 405 (3) of the Local Government Act. 2. That Council again review the Draft Operational Plan for 2022/2023 and any submissions received at the Ordinary Meeting of Council scheduled for Monday, 27 June 2022. 	Advertised as required.

2022/85	DRAFT DELIVERY PROGRAM 2023-2027
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	P4.1
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That Council note the draft Delivery Program 2. That the draft Delivery Program be placed on public exhibition for comment for a period of 28 days. 	Advertised as required.

2022/86	2022-2026 DRAFT DELIVERY PROGRAM AND 2022/2023 OPERATIONAL PLAN PREPARATION TIMETABLE
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	A4.3, P4.2
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That Council confirm the proposed timetable for finalisation of the Delivery Program 2022-2026 and Operation Plan 2022/2023 as follows: 2. Tuesday, 26 April 2022 Consideration and Determination of Draft Delivery Program and Operational Plan and approval to 	Advertised as required.

<p>put on public exhibition including the calling for submissions.</p> <p>3. Monday, 9 May 2022 Disseminate required public notice calling for submissions on Draft Delivery Program and Operational Plan.</p> <p>4. Monday, 6 June 2022 Closing date for receipt of submissions at 4.30pm.</p> <p>5. Monday, 27 June 2022 Adoption of Delivery Program 2022-2026 and Operational Plan 2022/2023, after due consideration of any submissions received.</p>	
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2022/87	LONG TERM FINANCIAL PLAN
RESPONSIBLE OFFICER	LEONIE BROWN, MANAGER CORPORATE SERVICES
FILE NO	P4.2
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That following the preparation of the draft Long Term Financial Plan for 2022/2032, the draft Plan be advertised in accordance with Section 405 (3) of the Local Government Act. 2. That Council review the Draft Long Term Financial Plan for 2022/2032 and any submissions received at the Ordinary Meeting of Council scheduled for Monday, 27 June 2022. 	<p>LTFP to be presented to the June Ordinary meeting of Council.</p>

2022/ 95	BOURKE MEMORIAL OLYMPIC SWIMMING POOL COMPLEX LEARN TO SWIM POOL AND FILTRATION PLANT
RESPONSIBLE OFFICER	DWAYNE WILLOUGHBY, MANAGER ENVIRONMENTAL SERVICES
FILE NO	S10.1
DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That Council notes the Facilities Design Group assessment of tenders received for Phase one (1) of the Memorial Olympic Swimming Pool upgrade being the Learn to Swim Pool and Filtration Plant components. 2. That as per the tender assessment, Council award the tender for phase one (1) of the Memorial Olympic Swimming Pool upgrade, being the Learn to Swim Pool and Filtration Plant components, to Hydrocare Pools at a price of \$1,667,383 (ex GST). 3. That any necessary documents be executed under the Common Seal of Council. 	<ol style="list-style-type: none"> 1. Successful and unsuccessful tenderers notified. 2. Contract signing in progress.

2022/ 96	NORTH BOURKE STORMWATER DRAINAGE
RESPONSIBLE OFFICER	MARK RILEY, GENERAL MANAGER
FILE NO	D6.1, D6.2, V 1.6

DECISION	ACTION TAKEN
<ol style="list-style-type: none"> 1. That the information in the report of the General Manager from March 2022 be noted. 2. That the Mayor and General Manager be requested to take the necessary action in pursuit of potentially acquiring land in respect of this drainage matter, for a further report to Council. 3. That the Mayor and General Manager be requested to brief Mr G Seiler on the progress of this matter. 4. That the documents and considerations in respect of this matter remain confidential to Council. 	<p>Mayor and GM have briefed Mr Seiler.</p>

Recommendation
That the information in the Business Arising Report as presented to Council on Monday, 23 May 2022 be noted.

12.2 CALENDAR OF EVENTS

File Number: C12.6
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Information is sent out monthly to advise when Council Meetings, meetings which Councillors are Delegates to and other meetings of which Council is a member of, or representatives of Council, are to be held.

Current Situation

Month	Date	Time	Meeting / Event	Location
2022				
May	23	9.15am	Council Meeting	Council Chamber
June	27	9.15am	Council Meeting	Council Chamber
July	25	9.15am	Council Meeting	Council Chamber
August	22	9.15am	Council Meeting	Council Chamber
September	26	9.15am	Council Meeting	Council Chamber
October	24	9.15am	Council Meeting	Council Chamber
November	28	9.15am	Council Meeting	Council Chamber
December	19	9.15am	Council Meeting	Council Chamber
2023				
February	27	9.15am	Council Meeting	Council Chamber
March	27	9.15am	Council Meeting	Council Chamber
April	24	9.15am	Council Meeting	Council Chamber
May	22	9.15am	Council Meeting	Council Chamber
June	26	9.15am	Council Meeting	Council Chamber
July	24	9.15am	Council Meeting	Council Chamber
August	28	9.15am	Council Meeting	Council Chamber
September	25	9.15am	Council Meeting	Council Chamber

Recommendation

That the information in the Calendar of Events Report as presented to Council on Monday, 23 May 2022 be noted.

12.3 INFORMATION TO COUNCILLORS

File Number: C12.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Each month a list of correspondence is sent out in the Business Paper to Councillors to ensure that they have not missed any information since the last Business Paper was produced.

Current Situation

Date	Information Sent	Author	Email
21/04/2022	Update on COVID-19 Settings	NSW Government	✓
21/04/2022	Farmers reveal tips to save big on groceries	NSW Farmers Association	✓
22/04/2022	Call for public sector ethics training; New body to oversee NSW flood rebuild	Government News	✓
22/04/2022	Moreton Bay Mayor’s election warning: ‘don’t come empty-handed’, New Rockhampton zoo playground ready to roar into life, Albury City gets onboard new Qantas link and Much More...	Inside Local Government	✓
22/04/2022	Ruined roads require more than promises	NSW Farmers Association	✓
22/04/2022	Council voices concern over proposed plastics plant, All aboard Brisbane Metro electric bus testing, Wingecarribee Shire commits to \$21m infrastructure spending and Much More...	Inside Local Government	✓
26/04/2022	Coulton's Catch Up - Monday 25 April	Office of the Hon Mark Coulton MP	✓
26/04/2022	Statement on passing of Peter Taylor	NSW Farmers Association	✓
26/04/2022	Internal Ombudsman to handle Wingecarribee council complaints, Brimbank submits concerns over Cairnlea development, ALGA says sustainably funded future is crucial to productivity and Much More...	Inside Local Government	✓
26/04/2022	Council sets up internal ombudsman; Urban heat planning toolkit for councils	Government News	✓
27/04/2022	GM’s Column 28/04/2022	Mark Riley	✓
27/04/2022	Farmers must have their say on renewables	NSW Farmers Association	✓
27/04/2022	Darebin, Moira, Wodonga council monitors named, Devonport council supports amalgamation, MAV convene city planning conference and Much More...	Inside Local Government	✓
27/04/2022	Minutes from Council Meeting 26/04/2022	Margo Anderson	✓

27/04/2022	Stamp out harassment: Learning from the mistakes of others (Health and Safety Bulletin)	Portner Press	✓
28/04/2022	Call to get Murray Basin Rail Project back on track, Greater Geelong rezones five farms for housing, Northern Rivers rail crew back on the job after flood clean-up effort and Much More...	Inside Local Government	✓
03/05/2022	Basin Bulletin Issue 51	Murray Darling Association	✓
03/05/2022	SA councils' climate action plan awarded federal grant Construction underway on \$10.5M Lake Macquarie creative hub QLD council seeks federal funding to unlock 3500 jobs	Council e-News	✓
04/05/2022	GM's Column 05/05/2022	Mark Riley	✓
09/05/2022	LGAQ: Major parties running out of time in Queensland, Balmain club fire 'no surprise' says Mayor, Sandstorm brewing on Bass Coast and Much More...	Inside Local Government	✓
10/05/2022	ALGA calls for local government seat on National Cabinet Council's welcome \$250M opposition pledge for roads, infrastructure Nominations open for 2022 Melbourne Awards	Council e-News	✓
10/05/2022	Moyne Shire scores \$11.1m in remote roads funding, Greater Bendigo opens EOI for 2026 Commonwealth Games, Revolutionising the construction industry one panel at a time and Much More...	Inside Local Government	✓
10/05/2022	Grants review findings released; Climate tool for urban planners	Government News	✓
11/05/2022	Farmers demand urgent action following outbreak	NSW Farmers Association	✓
11/05/2022	GMs Column for 12/05/2022	Mark Riley	✓
11/05/2022	COVID-19, flu and new self-isolation requirements	NSW Government	✓
12/05/2022	Upcoming Bald Archy Exhibition	Margo Anderson	✓
16/05/2022	OLG's fortnightly e-newsletter - 13 May 2022	Office of Local Government	✓
16/05/2022	Coulton's Catch Up - Monday 16 May	Office of the Hon Mark Coulton MP	✓
16/05/2022	Important information about changes to water licensing approvals for large water users and controlled activities	NSW Government	✓
16/05/2022	Council grants lack fraud controls; Aus cities healthy lifestyle scorecard	Government News	✓
16/05/2022	Council to be investigated over Mascot Towers safety saga, Time is ticking on Queensland housing crisis, LGAQ dials up support for Federal-funded broadband upgrades and Much	Inside Local Government	✓

	More...		
16/05/2022	Melbourne to slash red tape in bid for new business, Australia's longest tunnel confirmed for Blue Mountains, Bendigo Tramways project on tender track and Much More...	Inside Local Government	✓
17/05/2022	News in the Barwon Electorate	Office of the Hon Roy Butler MP	✓
17/05/2022	More floods forecast as QLD councils prepare for cleanup NSW councils call for housing crisis aid Council awards major bridge tender	Council e-News	✓
17/05/2022	Politicisation of Vic public sector probed, States sign clean energy MOUs	Government News	✓
18/05/2022	GMs Column	Mark Riley	✓
18/05/2022	Sydney steps up LGBTIQ+ support, Billions pledged for councils, Willoughby residents among happiest in Sydney, survey finds and Much More...	Inside Local Government	✓
19/05/2022	The Weekly Newsletter, 18 May 2022	Local Government NSW	✓
19/05/2022	Farmers demand fair go for regions	NSW Farmers Association	✓
19/05/2022	Hoon dreams to be shredded in Moreton Bay, LGANT calls for cyclone evacuation centre commitment, Round two for Port Campbell town centre project tender and Much More...	Inside Local Government	✓

Recommendation

That the contents of the Information to Councillors Report as presented to Council on Monday, 23 May 2022 be noted.

13 ENGINEERING SERVICES DEPARTMENT

Nil

14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT

14.1 *** DA 2022/0010 3-7 CULGOA STREET NORTH BOURKE THREE LOT SUBDIVISION

File Number: D3.1, DA 2022/0010
Author: Dwayne Willoughby, Manager Environmental Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

Council consent is sought to subdivide 3-7 Culgoa Street North Bourke, also known as Lot 91 DP 753570, into three (3) lots. The applicant proposes a variation to the minimum lot size under the Bourke Local Environmental Plan for one (1) of the lots.

Current Situation

The Application

Council consent is sought for the subdivision of 3-7 Culgoa Street, North Bourke into three (3) lots.

Applicant	RB Williams
Owner	RB Williams
Proposal	Subdivide into three lots
Location	Lot 91, DP 753570 – 3-7 Culgoa Street North Bourke NSW 2840
Zone	R5 Large Lot Residential

No political gifts or donations have been disclosed.

This report has been prepared by Premise Pty Ltd on behalf of Bourke Shire Council. Premise has assessed the proposal in accordance with relevant planning provisions and provide a recommendation of conditional approval.

The Proposal

The proposal involves the subdivision of the site into three lots as follows:

- Proposed Lot 1: 1 hectare
- Proposed Lot 2: 1 hectare
- Proposed Lot 3: 0.94 hectares

The Site

The site has a rectangular shape with an area of approximately 2.946 hectares and single frontage of approximately 243.6 metres to the southern side of Culgoa Street. The side and rear of the property adjoin various types of Crown Land including Crown Licences, Crown Leases and Crown Reserves. The Back O' Bourke Motel Accommodation and sports field are located on the opposite side of Culgoa Street. The Bourke Airport is located approximately one kilometre to the north and Bourke township approximately four kilometres to the south. Land uses in North Bourke other than those specifically mentioned are predominantly large lot residential.

The site has generally level topography, falling slightly to the south-east towards the Darling River. It has several existing access points from Culgoa Street and is currently occupied by two dwelling houses. Vegetation within the site consists of scattered trees, semi-managed grasslands and gardens.

Existing infrastructure includes overhead powerlines running within the road reserve along the site's Culgoa Street boundary. Table drains also run within the road reserve along the site's Culgoa Street boundary. The site is understood to have the capacity to be connected to potable water, electricity and telecommunications. Reticulated sewer services are not available in the area.

Locality Plan



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Objects of Act S1.3

The relevant planning legislation in New South Wales (NSW) is the Environmental Planning and Assessment Act 1979 (EP&A Act). The objects of the EP&A Act are:

- (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) *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *To promote the orderly and economic use and development of land,*
- (d) *To promote the delivery and maintenance of affordable housing,*
- (e) *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *To promote good design and amenity of the built environment,*
- (h) *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

- (i) *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is considered to be generally consistent with the above objects.

Biodiversity Conservation Act 2016 S1.7

Section 1.7 of the EP&A Act provides that the EP&A has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (the BC Act). Section 7.2 of the BC Act provides that a development or an activity is “likely to significantly affect threatened species” if:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

With respect to (a) above, the site is not known to contain any threatened species or ecological communities, nor is it likely to contain such species or communities due to being significantly disturbed.

With respect to (b) above, Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it is of an extent or kind declared to exceed the threshold under the *Biodiversity Conservation Regulation 2017* (the BC Regulation). Clause 7.1 of the BC Regulation provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of land shown on the Biodiversity Values Map or the extent of clearing of native vegetation exceeds 0.5 hectares where the minimum lot size applying to the land is less than 40 hectares but not less than one hectare (minimum lot size under the *Bourke Local Environmental Plan 2012* is one hectare). Under clause 7.1 of the BC Regulation, development enabled by subdivision (e.g. a future house, driveways, etc.) is to be taken into account when determining whether a development exceeds the threshold.

The proposed subdivision does not exceed the threshold as:

- The site does not contain land mapped on the Biodiversity Values Map; and
- It creates three residential lots, of which two are already occupied by dwelling houses. The single additional dwelling house and associated connections to essential services enabled by the proposed subdivision are unlikely to exceed 0.5 hectares of clearing of native vegetation.

With respect to (c) above, the site is not located within area of outstanding biodiversity value, nor does the development require the removal of any vegetation.

Accordingly, the development is not “likely to significantly affect threatened species” and therefore no further assessment against the BC Act is required.

Evaluation – Matters for Consideration S4.15

The application has been assessed in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*.

Provision of any Environmental Planning Instrument S4.15(1)(a)(i)**Bourke Local Environmental Plan 2012***Land Use*

The subject land is located within the R5 Large Lot Residential zone under clause 2.3 of the *Bourke Local Environmental Plan 2012* (the BLEP 2012). The proposed subdivision will enable development of proposed lots that is consistent with the objectives of and permitted with consent in the zone, as follows:

Zone R5 Large Lot Residential**1 Objectives of zone**

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations; Roads; Water reticulation systems.

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Group homes; Home industries; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Residential accommodation; Roadside stalls; Tank-based aquaculture; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boarding houses; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential flat buildings; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or

distribution centres; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

The proposed subdivision is consistent with the objectives of the R5 Large Lot Residential zone.

Minimum Subdivision Lot Size

Under clause 4.1 of the BLEP 2012, the minimum applicable lot size is one hectare. The proposal involves the subdivision of the site into three lots as follows:

- Proposed Lot 1: 1 hectare
- Proposed Lot 2: 1 hectare
- Proposed Lot 3: 0.94 hectares

Proposed Lot 3 falls short of the minimum lot size by 0.06 hectares or 6%. Under clause 4.6(3) and (4) of the BLEP 2012, development consent may be granted for development even though it would contravene a development standard if the development standard is not excluded under clause 4.6 and the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Under clause 4.6(4):

Development consent must not be granted for development that contravenes a development standard unless—

- (a) *the consent authority is satisfied that—*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*

Under clause 4.6(6), development consent must not be granted under clause 4.6 for subdivision of land in a range of rural and environmental zones and the R5 Large Lot Residential zone if:

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The five ways of determining that compliance with a development standard is unreasonable or unnecessary is established in *Wehbe v Pittwater Council [2007] NSWLEC 827*:

1. *The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard (par. 42)*
2. *A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary (par. 45)*
3. *A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable (par. 46)*
4. *A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (par. 47)*
5. *A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary (par. 48)*

The clause 4.6 application (Barnson 2022) attached to the development application provides that the compliance with the development standard is unreasonable and unnecessary in the first way:

The objectives of the standard are:

- (a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,*
- (b) to ensure residential allotments are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,*
- (c) to ensure industrial allotments are of a suitable size and shape to allow for separation from adjoining uses and to ensure appropriately sized vehicles can traverse to and from the land,*
- (d) to ensure commercial allotments are of a suitable size and shape to provide for a range of commercial development without providing for the fragmentation of ownership into smaller lots,*
- (e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.*

The land is zoned for large lot residential development, therefore, objectives (c), (d) and (e) are not applicable in this instance.

In relation to (a), the site is well removed from any usable agricultural land and as such would not impact on the capacity or productivity of rural lands.

In relation to (b), despite being 6% smaller than the minimum lot size, the lot would still provide 0.94 hectares in area, with a regular shaped lot. This will provide for a suitable size and shape for the provision of a building envelope.

As a guide, 90% of the required minimum lot size is used as a threshold whereby subdivision is considered acceptable (clause 4.6(6) of the LEP). The proposed development would be located on a lot that is 94% of this minimum lot size.

From the above it can be seen that the development, despite not achieving the development standard for a single allotment, it would still achieve the objective of the standard as it would provide an allotment suitable for future large lot residential development.

The clause 4.6 application (Barnson 2022) attached to the development application provides that the proposed contravention of the development standard has sufficient environmental planning grounds on the following basis:

The proposed subdivision is suitable for the locality as it is consistent with the surrounding and predominant land use of the locality and therefore would not be incompatible with this land use. The subject site currently supports two (2) dwellings.

Proposed Lot 3, despite being slightly undersized, still has the ability to provide for a future dwelling whilst minimising the impacts on environmentally sensitive areas as outlined through Section 5.5.2.3 of the main SEE report. The subdivision would reinforce the existing large lot residential area, whilst not unreasonably increasing the demand for public services, facilities or infrastructure. Being located within an existing zoned area, it would not result in land use conflict. There would be no measurable difference in terms of attainment of objectives of the zone between a lot complying with the minimum lot size and the proposed deficient lot size.

Based on the above, it can be seen that the development would not be antipathetic to the zone objectives by virtue of being undersized and that there are sufficient environmental planning grounds to justify contravention of the development standard.

The proposed development is considered to be in the public interest as it is consistent with the objectives of the development standard to be varied as well as the objectives of the land use zone.

The proposed development does not result in more than two lots having area less than the minimum area specified under clause 4.1 and does not result in any lots having less than 90% of the minimum specified under clause 4.1.

The proposed variation to the development standard is supported on the following basis:

- In accordance with clause 4.6(4)(a)(i), the applicant's written request has adequately addressed the matters raised required to be demonstrated by subclause 4.6(3), including that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention of the development standard;
- In accordance with clause 4.6(4)(a)(ii), the proposed development is in the public interest because it is consistent with the objectives of the development standard to be varied as well as the objectives of the land use zone; and
- The proposed subdivision is compliant with the specific considerations for subdivision in the R5 Large Lot Residential zone under clause 4.6(6).

Concurrence from the Department Planning and Environment is assumed for the purposes of clause 4.6(4)(b) on the basis that the proposed subdivision is compliant with the assumed concurrence conditions in Planning Circular PS 20-002 (NSW DPIE) issued 5 May 2020.

Essential Services

Under clause 6.5 of the BLEP 2012, development consent must not be granted unless the consent authority is satisfied that the supply of water and electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access is available or that adequate arrangements have been made to make them available when required. A condition of consent is proposed to ensure that this is achieved.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Hazards SEPP) provides a state-wide approach to remediation of contaminated land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the Hazards SEPP prevents the consent authority from granting development consent on land unless it has considered whether the land is contaminated and, if contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes for which the development is to be carried out.

A Preliminary Site Investigation (Barnson 2022) is attached to the development application. The PSI recommended a Waste Classification Report and Remediation Report due to the presence of contamination found on-site, likely related to its former use as a sawmill. In the Waste Classification Report (Barnson 2022) attached to the development application, it is determined that *“detected concentrations of metals, ions and hydrocarbons did not exceed any of the CT1 threshold values. Based on the results, the cover material is classified as General Solid Waste and is suitable for disposal at any waste disposal facility willing to accept the volume of material”* (.9). The Remediation Report (Barnson 2022) attached to the development application provides that excavated soils were disposed at the Bourke Waste and Recycling Depot on Cobar Road, Bourke on 4 March 2022. It is concluded in the Remediation Report that (p. 10):

- *Based on the findings of the visual inspection and chemical analysis of the surface soil from the excavated area, it can be stated that the goals set for the remediation have been achieved. All identified wastes and contaminated soils have been removed off site and disposed, while residual concentrations of hydrocarbons have been reduced to levels unlikely to pose a risk to human health and the environment.*
- *The remediated area is considered suitable for the proposed development.*

The requirements of Chapter 4 of the Hazards SEPP are appropriately discharged on the basis of the justification provided in the Preliminary Contamination Investigation, Waste Classification Report and Remediation Report (Barnson 2022) attached to the development application.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP) facilitates the effective delivery of infrastructure across the State, improving regulatory certainty and efficiency through consistent planning and providing greater flexibility in the location of infrastructure and service facilities.

Development Likely to Affect an Electricity Transmission or Distribution Network

Under clause 2.48 of the Infrastructure SEPP, a consent authority must give written notice to the electricity supply authority for the area and take into consideration any response received within 21 days with respect to development involving any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) development carried out—*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*
- (c) installation of a swimming pool any part of which is—*
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

Overhead power lines run within the road reserve along the site's Culgoa Street boundary. Essential Energy has provided the following comments:

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- As part of the subdivision, an easement/s are/is created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;*
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*
- Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.*
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*

- *Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

A condition of consent is proposed to ensure that this is achieved.

Development with Frontage to a Classified Road

Under clause 2.118 of the Infrastructure SEPP, the consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The site has frontage to Culgoa Street which forms part of RMS Gazetted Road No. 404 (RMS Schedule of Classified Roads 2017). Whilst the proposed development does not directly propose any new works within the Culgoa Street road reserve, a condition of consent is proposed (which will result in works within the Culgoa Street road reserve) to ensure that proposed lots are connected to essential services in accordance with clause 6.5 of the BLEP 2012. Accordingly, the development application has been referred to RMS:

Thank you for referring development application (DA) 2022/0010 via the NSW Planning Portal on 1 April 2022 seeking concurrence from Transport for NSW (TfNSW) pursuant to Section 138(2) of the Roads Act 1993.

TfNSW’s primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Culgoa Street (MR404) is a Regional Classified Road and pursuant to section 7 of the Roads Act 1993, Bourke Shire Council is the roads authority for this road and other public roads in the area.

TfNSW understands the development proposes the subdivision of the land into three lots with Lots 1 and 2 having pre-existing gravel accesses onto Culgoa Street and Lot 3 proposing a new access onto Culgoa Street.

TfNSW is willing to grant its concurrence to the proposal pursuant to section 138(2) of the Roads Act 1993 subject to the following conditions being met:

- *The accesses for Lot 1, 2 and 3 are to be constructed in accordance with the Rural Property Access (Figure 7.2) treatment as per Austroads Guide to Road Design Part 4 and be of a sealed bitumen, match existing road levels and not interfere with existing road drainage.*
- *Safe Intersection Sight Distance (SISD) must be provided and maintained in accordance with Austroads Guide to Road Design at the intersection of the driveways with Culgoa Street.*
- *Vehicles are to enter and exit the site from/to Culgoa Street in a forward direction.*
- *Landscaping, signage, and fencing must not impede sight lines of traffic within or when passing, entering or departing the site.*

A condition of consent is proposed to ensure that this is achieved.

Provisions of any Draft Environmental Planning Instrument that has been placed on exhibition s4.15(1)(a)(ii)

There are no current draft environmental planning instrument relevant to the site or proposed development.

Provisions of any Development Control Plan s4.15(1)(a)(iii)

The *Bourke Development Control Plan 2012* (the BDCP 2012) applies to all land within the Bourke Local Government Area. The aims of the DCP are:

- *Define development standards that deliver the outcomes desired by the community and Council.*
- *Provide clear and concise development guidelines for various forms of development.*
- *Encourage innovation in design and development by not over-specifying development controls;*
- *Provide certainty of development outcomes for developers and the community.*

Chapter 2 of the DCP contain various provisions which relate to this development and these are discussed below.

Clause 2.2 – BASIX does not apply to the development as it is not a BASIX affected building.

Clause 2.3 - A Statement of Environmental Effects (SEE) has been supplied in respect of the development which addresses relevant issues associated with the development.

Clause 2.4 – Plans and reports have been provided in connection with the development to provide adequate information to enable assessment of the application.

Clause 2.5 – see commentary provided above in respect of the Hazards SEPP.

Clause 2.6 – the development application does not require notification by reference to the exemptions listed in section 2.6.1 of the DCP.

Chapter 3 relates to natural hazards; the land is not understood to be flood affected on the basis that the site features red earths (refer Section 3.2.1 of the Bourke DCP), nor is it located within bushfire prone land.

Chapter 4 of the Bourke DCP provides commentary on controls regarding General Housing and Ancillary Structures, Residential Dual Occupancy, Residential Multi-Dwelling Development, Subdivision, Industrial Development, Commercial & Retail Development, Heritage Animal Boarding or Training Establishments, Land Forming Development, Intensive Livestock Agriculture and Intensive Plant Agriculture. The proposed subdivision is considered against the relevant controls in Section 4.6 in the table below.

DCP Control:	Comment/Compliance:	
4.6.1 Lot Size		
“Lot size map” and Clause 4.1 of Bourke Shire LEP 2012 prescribe the minimum lot sizes for all new allotments.	Refer to earlier discussion regarding clause 4.1 of the BLEP 2012	✓
Minimum lot sizes do not apply to Strata and Community Title Subdivisions.	Strata and Community Title Subdivision is not proposed.	N/A
Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note there is no concession to a second street frontage for setbacks).	There is adequate unencumbered space within proposed lots to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback.	✓
Easements are not to encumber more than 10% of the total area of the lot.	Easements are not proposed/required.	✓
4.6.2 Servicing Strategy		
All development applications shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be serviced in accordance with the requirements of Council’s Engineering Guidelines for Subdivision and Developments.	A condition of consent is proposed.	✓
The strategy shall include evidence that the developer has consulted with Council’s Manager of Water and Wastewater in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.	Sewer infrastructure is not available in North Bourke. A condition of consent is proposed.	✓
For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.	The proposed subdivision is not a new estate.	N/A
4.6.3 Sewer		
The servicing strategy shall identify the method of providing sewer to the proposed lots in accordance with the Council’s Engineering Guidelines for Subdivision and Development.	A condition of consent is proposed requiring preparation of an on-site effluent management report and providing surveyors proof that existing on site systems are/will be wholly contained within proposed lots.	✓
Residential lots are to be serviced by gravity	Not residential lots	N/A

DCP Control:	Comment/Compliance:	
sewer. Detail of any lot filling required to achieve minimum grade shall be provided.		
The area within proposed lots shall be capable of being serviced by gravity sewer (unless located within an estate where an alternate sewer system is established).	As above	N/A
Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m ²	A minimum lot size of one hectare is specified in the Lot Size Map.	N/A
On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of 1 hectare or greater.	A condition of consent is proposed.	✓
Water		
The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.	A condition of consent is proposed.	✓
Reticulated water is to be supplied to subdivisions of land in the General Residential R1 Zone.	The site is located within the R5 Large Lot Residential zone.	N/A
On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 20 hectares or greater.	A minimum lot size of one hectare is specified in the Lot Size Map.	N/A
4.6.4 Stormwater Drainage		
The servicing strategy shall include consideration of flows up to the 1:100 ARI flood event or existing natural flow, existing developed flow and post developed flow.	The site is noted in the SEE to feature deep sands, red earths with sandy loam. As per Section 3.2.1 of the DCP, red earths are not considered flood affected lands. A condition of consent is proposed.	✓
Minor flows are to be piped to a 1:5 ARI flood event.	A condition of consent is proposed.	✓
Location of major flows are to be defined to a designated overland flow path up to a 1:100 ARI flood event and are to be dedicated as a drainage reserve.	The site is not known to convey major overland flows in the 1:100 ARI flood event.	N/A
Measures to control stormwater flow and water quality are required.	A condition of consent is proposed.	✓
Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.	Drainage is to Culgoa Street.	N/A
Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other	A condition of consent is proposed.	✓

DCP Control:	Comment/Compliance:	
method other than connection to the gravity piped system.		
4.6.5 Telecommunications		
Telecommunications are to be provided underground.	A condition of consent is proposed.	✓
4.6.6 Electricity		
The subdivision is to be serviced by underground electricity of land in the General Residential R1 Zone.	The site is located in the R5 Large Lot Residential zone.	N/A
For subdivision of land in the Primary Production Zone electricity supply is required and may be overhead.	The site is located in the R5 Large Lot Residential zone.	N/A
4.6.7 Battle-axe shaped lots		
Minimum area for battle-axe shaped lot is 800m ² excluding the access handle.	Battle-axe shaped lots are not proposed.	N/A
Access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with asphaltic concrete or interlocking pavers at the time of subdivision.	Battle-axe shaped lots are not proposed.	N/A
The topography of the site may require installation of kerbing to manage overland stormwater.	Battle-axe shaped lots are not proposed.	N/A
Battle-axe lots must also share a common boundary with a public reserve of at least 15 metres in length.	Battle-axe shaped lots are not proposed.	N/A
Only 1 Torrens title lot is to use battle-axe handle access.	Battle-axe shaped lots are not proposed.	N/A
4.6.8. Industrial lots		
Industrial lots shall have a minimum street frontage and square width of 24m and an area of 1,000m ² .	The proposed subdivision is for residential uses.	N/A
Industrial subdivision cannot be serviced by cul-de-sac road formation.	The proposed is for residential uses.	N/A
4.6.9. Road Network Design		
The road hierarchy shall be defined.	New roads are not proposed/required.	N/A
Roads to be all weather sealed 6m wide pavement with table drains and entry culvert	New roads are not proposed/required.	N/A
Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.	New roads are not proposed/required.	N/A
The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with the Council's Engineering Guidelines for Subdivision and Development.	New roads are not proposed/required.	N/A
Kerb and gutter is required for subdivision	New roads are not proposed/required.	N/A

DCP Control:	Comment/Compliance:	
where the Lot Size Map specifies a minimum lot size of up to and including 2 ha		
The road pavement requirement will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to and including 10 hectares.	New roads are not proposed/required.	N/A
A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.	New roads are not proposed/required.	N/A
Subdivision layouts shall make provision for road connection to adjoining undeveloped land.	New roads are not proposed/required.	N/A
Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.	New roads are not proposed/required.	N/A
Roads to be designed having regard to topographic contours to minimise cut and fill.	New roads are not proposed/required.	N/A
4.6.10 Culs-de-sac		
Radius of a cul-de-sac bowl in a residential subdivision shall not be less than 12.5 metres.	New roads are not proposed/required.	N/A
The design must accommodate stormwater drainage overland flow paths.	New roads are not proposed/required.	N/A
Alternate cul-de-sac configuration is not permitted, such as “hammer-head” or “Y” shapes.	New roads are not proposed/required.	N/A
4.6.11 Landscaping		
Subdivision involving new road construction shall include street tree planting of suitable species.	New roads are not proposed/required.	N/A
Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.	Dual use drainage reserves are not proposed/required.	N/A
4.6.12 Site Access		
Public road access is required to all lots.	All proposed lots have access to Culgoa Street.	✓
Commercial or industrial subdivision shall include provision of a kerb layback which is - <ul style="list-style-type: none"> o located at either end of the property frontage; o not closer than 6m to an intersecting road or break in a traffic island; and o located so that sight distance is adequate. 	The proposed subdivision is for residential uses.	N/A

DCP Control:	Comment/Compliance:	
<ul style="list-style-type: none"> o No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available. 		
4.6.13. Lot Orientation		
Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.	Dual use drainage reserves are not proposed/required.	N/A
Orientation shall minimise potential overshadowing impacts of existing and future buildings.	The proposed lot sizes have sufficient area to enable the development of dwelling houses without causing overshadowing impacts to existing or future dwelling houses on neighbouring properties.	✓
4.6.14 Open Space		
Open space provision within residential subdivision will be determined compliance with the provisions of the Site Specific Design Criteria.	Open space is not proposed/required.	N/A
<p>Where required, subdivision design must provide open space achieving the following criteria:</p> <ul style="list-style-type: none"> o Minimum area of 0.5ha; o Buffered from main roads and identified hazards for improved safety; o Safely accessible by pedestrian and cycleway links; o Connectivity maximised between open space; o Walkable access to highest number of the population; o High passive surveillance opportunities; o Minimum slope; and o Provide complimentary uses of open space (drainage, conservation, cycleways etc.) that ensures ongoing usability. 	Open space is not proposed/required.	N/A
4.6.15 Vegetation		
The design shall accommodate the retention of any significant trees and vegetation.	The removal of significant trees or vegetation is not proposed.	✓
4.6.16 Garbage Collection		
Road design must accommodate the legal movement of garbage collection vehicles.	New roads are not proposed/required.	N/A
Allotments are to allow for placement of garbage receptacles for collection within the	The proposed lot sizes have sufficient area to allow for	✓

DCP Control:	Comment/Compliance:	
alignment of that lot.	placement of garbage receptacles for collection within the alignment of each lot.	
Temporary turning facilities shall be provided to facilitate garbage collection services.	Temporary turning facilities are not required.	N/A
4.6.17. Community Title Subdivision		
Community title subdivision must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title where the only shared component is a driveway.	Community title subdivision is not proposed.	N/A
4.6.18 Contamination		
All subdivision development applications are to include consideration of potential land contamination	Refer to discussion with respect to the Hazards SEPP.	✓
4.6.19 Road Widths		
Road widths are determined based on the road category, in accordance with the table below.	New roads are not proposed/required.	N/A
4.6.20 Subdivision of Land at North Bourke		
This clause applies to subdivision of lot 212 DP 787811, Warrego St, North Bourke.	The proposed development relates to Lot 91 DP 753570.	N/A
All lots in the subdivision of this lot are to have access to an internal road which is to join to either Warrego or Macquarie Streets, North Bourke	The proposed development relates to Lot 91 DP 753570.	N/A
No access from a subdivision is to be permitted to Hungerford Road except for the existing dwelling on lot 212 DP 787811.	The proposed development relates to Lot 91 DP 753570.	N/A

Chapter 6 provides development controls for General Development Specifications for Other Development Types including Parking, Landscaping, Outdoor Lighting, Outdoor Advertising/Signage, as well as Environmental Controls including Environmental Effects, Soil and Erosion Control, Vegetation, Waste Management, Noise and Geology. The proposed development is considered against the relevant controls in Chapter 6 below.

DCP Control:	Comment/Compliance:	
6.2 Other Development Types		
6.2.1 Parking		
Parking must be provided as per the Schedule in Appendix 1	The proposed subdivision does not generate additional parking demand.	N/A
Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next	The proposed subdivision does not generate additional parking demand.	N/A

DCP Control:	Comment/Compliance:	
highest whole number.		
Parking and traffic requirements will be based on consideration of: <ul style="list-style-type: none"> o likely peak usage times. o the availability of public transport. o likely demand for off street parking generated by the development. o existing traffic volumes on the surrounding street network; and o efficiency of existing parking provision in the location. 	The proposed subdivision does not generate additional parking demand.	N/A
Comply with Australian Standard AS2890.1 Parking Facilities.	The proposed subdivision does not generate additional parking demand.	N/A
Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply: <ul style="list-style-type: none"> (a) Determine the parking requirements of the previous or existing premises in accordance with Appendix A. (b) Determine the parking requirement of the proposed development in accordance with Appendix I to these Guidelines. (c) Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above. (d) The difference calculated in (c) above represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable. 	The proposed subdivision does not generate additional parking demand.	N/A
6.2.2 Landscaping		
Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.	No landscaping is proposed/required.	N/A
Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.	The proposed subdivision does not generate additional parking demand.	N/A
Landscaping shall comprise low maintenance, drought and frost tolerant species.	No landscaping is proposed/required.	N/A
6.2.3 Outdoor Lighting		
All developments shall demonstrate compliance with Australian Standard AS4282 Control of	Outdoor lighting is not proposed/required.	N/A

DCP Control:	Comment/Compliance:	
Obtrusive Effects of Outdoor Lighting.		
Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.	Sweeping lasers or searchlights are not proposed.	N/A
6.2.4 Outdoor Advertising / Signage		
Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 11pm each night.	Signage is not proposed.	N/A
Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.	Signage is not proposed.	N/A
Advertising in Primary Production zones may only: <ul style="list-style-type: none"> o advertise a facility, activity or service located on the land; or o direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other. 	Signage is not proposed.	N/A
External illumination to signs must be top mounted and directed downwards	Signage is not proposed.	N/A
The following types of signs are not acceptable: <ul style="list-style-type: none"> o Portable signs on public footways and road reserves including A Frame and Sandwich Boards. o Electronic trailer mounted road signs used for promotional or advertising purposes. o Outdoor furniture (including chairs, bollards and umbrellas) advertising products such as coffee, alcohol or soft drink. o A roof sign or wall sign projecting above the roof or wall to which it is affixed. o Flashing or intermittently illuminated signs. o Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising. o Signs fixed to trees, lights, telephone or power poles. 	Signage is not proposed.	N/A

DCP Control:	Comment/Compliance:	
<ul style="list-style-type: none"> o Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs. o Any sign which would in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place. o Numerous small signs and advertisements carrying duplicate information; and o Overhead banners and bunting, except in the form of temporary advertisement. 		
6.3 Environmental Effects		
6.3.1 Environmental Effects		
<p>The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:</p> <ul style="list-style-type: none"> o Traffic o Flood liability o Slope o Construction impacts o Solid and Liquid Waste o Air quality (odour and pollution) o Noise emissions o Water quality o Sustainability 	<p>The environmental effects are addressed in the SEE.</p>	✓
6.3.2 Soil and Erosion Control		
<p>Runoff shall be managed to prevent any land degradation including offsite sedimentation.</p>	<p>A condition of consent is proposed.</p>	✓
<p>Cut and fill will be minimised, and the site stabilised during and after construction.</p>	<p>The proposed subdivision will require minimal cut and fill.</p>	✓
<p>Arrangements in place to prompt revegetation of earthworks to minimise erosion.</p>	<p>A condition of consent is proposed.</p>	✓
6.3.3 Vegetation		
<p>Development design shall accommodate the retention of any significant trees and vegetation</p>	<p>The removal of significant trees or vegetation is not proposed.</p>	✓
6.3.4 Waste Management		
<p>General waste storage and collection arrangements shall be specified.</p>	<p>The proposed lots have sufficient area to accommodate general waste storage and collection arrangements.</p>	✓

DCP Control:	Comment/Compliance:	
6.3.5 Noise		
Where relevant, applications are to contain information about likely noise generation and the method of mitigation.	The proposed subdivision will generate minimal acoustic impacts during the construction phase and nil impacts once established.	✓
6.3.6 Geology		
The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.	The matters listed opposite are addressed in the Preliminary Contamination Investigation (Barnson 2022) attached to the development application.	✓

Provisions prescribed by the Regulations s4.15(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

The Likely Impacts of the Development s 4.15 (1)(b)

Context

The proposed development does not result in any physical works other than connection to essential services which are considered minor in nature. The proposed lots are consistent with the size and shape of other lots in the R5 Large Lot Residential zone in North Bourke. They enable the future development of dwelling houses and/or other permitted uses that is consistent with the local context.

Access and traffic

The proposed lots have primary frontage to Culgoa Street which forms part of RMS Gazetted Road No. 404 (RMS Schedule of Classified Roads 2017). Whilst the proposed development does not directly propose any new works within the Culgoa Street road reserve, a condition of consent is proposed which will result in works within the Culgoa Street road reserve to ensure that proposed lots are connected to essential services in accordance with clause 6.5 of the BLEP 2012:

1. Prior to the release of a construction certificate (CC):
 - (a) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that the proposed lots will have suitable vehicular access to Council's satisfaction.
2. Prior to the release of a subdivision certificate (SC):
 - (a) A compliance certificate is required confirming the installation of required access arrangements as outline above to the satisfaction of Council

Accordingly, the development application has been referred to RMS:

Thank you for referring development application (DA) 2022/0010 via the NSW Planning Portal on 1 April 2022 seeking concurrence from Transport for NSW (TfNSW) pursuant to Section 138(2) of the Roads Act 1993.

TfNSW's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Culgoa Street (MR404) is a Regional Classified Road and pursuant to section 7 of the Roads Act 1993, Bourke Shire Council is the roads authority for this road and other public roads in the area.

TfNSW understands the development proposes the subdivision of the land into three lots with Lots 1 and 2 having pre-existing gravel accesses onto Culgoa Street and Lot 3 proposing a new access onto Culgoa Street.

TfNSW is willing to grant its concurrence to the proposal pursuant to section 138(2) of the Roads Act 1993 subject to the following conditions being met:

- *The accesses for Lot 1, 2 and 3 are to be constructed in accordance with the Rural Property Access (Figure 7.2) treatment as per Austroads Guide to Road Design Part 4 and be of a sealed bitumen, match existing road levels and not interfere with existing road drainage.*
- *Safe Intersection Sight Distance (SISD) must be provided and maintained in accordance with Austroads Guide to Road Design at the intersection of the driveways with Culgoa Street.*
- *Vehicles are to enter and exit the site from/to Culgoa Street in a forward direction.*
- *Landscaping, signage, and fencing must not impede sight lines of traffic within or when passing, entering or departing the site.*

A condition of consent is proposed to ensure that this is achieved.

Servicing

The development application does not include concept plans for connection to essential services. Accordingly, the following conditions of consent are proposed to satisfy clause 6.5 of the BLEP 2012:

1. Prior to the release of a construction certificate (CC):
 - (a) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that the proposed lots will have suitable access to potable water to Council's satisfaction;
 - (b) The applicant is to submit to Bourke Shire Council:
 - (i) A site plan indicating a 10 x 15 metre building footprint on all proposed lots and siting and dimensions for on-site sewage infiltration area downslope of the building footprint. Both the building footprint and on-site sewage infiltration area are to be located above the 1:100 year ARI event. Their position, size and shape is to be registered as a restriction on title to Council's satisfaction.
 - (ii) Effluent management study supporting the proposed size and locations of the infiltration area to Council's satisfaction.
 - (c) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that stormwater runoff from proposed lots will drain to existing infrastructure in Culgoa Street to Council's satisfaction.
2. Prior to the release of a subdivision certificate (SC):
 - (a) All of the above listed matters to be completed and installed to the satisfaction of Council
 - (b) The applicant is to submit to Bourke Shire Council a notice of arrangement from Essential Energy confirming the provision of electrical connections
 - (c) The applicant is to submit to Bourke Shire Council a compliance certificate from the National Broadband Network confirming adequate provision of telecommunication services to all lots, supply of water and electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access.

Flora and Fauna

The proposed development does not result in any physical works. However, conditions of consent are proposed which require the provision of detailed plans demonstrating that proposed lots will have suitable access to essential services which would result in some disturbance of vegetation. The proposed conditions of consent require Council to be satisfied with the proposed connections to essential services, including in respect of their impacts such as on flora and fauna.

Soil Erosion and Sediment Control

A condition of consent is proposed to ensure that soil erosion and sediment control is adequately managed during construction.

Noise and Vibration

The proposed subdivision and associated works are unlikely to generate significant noise impacts, both during construction and operation. Construction is to occur during standard hours of construction.

Waste Management

A condition of consent is proposed to ensure demolition/construction waste is appropriately managed on site and recycled where possible in accordance with sustainability principles. Once complete, the proposed subdivision is unlikely to generate any waste.

The Suitability of the Site s4.15(1) (c)

The site is suitable for the proposed subdivision on the grounds that:

- The site is generally level and has sufficient area to accommodate three lots, each with sufficient area to accommodate a dwelling house and on-site sewage infiltration area;
- Adequate services are available in the area to accommodate the development subject to augmentation if required (with the exception of sewer which can be accommodated on-site).
- The site has been suitably remediated prior to submission of the DA;
- The site is not identified as being or adjoining a heritage item under the BLEP 2012, located within a local heritage conservation area under the BLEP 2012 or likely to contain Aboriginal sites or places;
- The site is not known to be impacted by flooding;
- The site is sparsely vegetated and capable of accommodating development with minimal impacts to vegetation; and
- The site is not known to be impacted by bushfire.

Any Submissions Made in Accordance with the Act s 4.15(1)(d)

The development does not require notification by reference to Section 2.6 of the Development Control Plan.

Public Interests s 4.15(1)(e)

The proposed subdivision is in the public interest as:

- It is permitted with consent by way of clause 2.6 of the BLEP 2012;
- The proposed lot sizes are compliant with the minimum subdivision lot size under the BLEP 2012 with the exception of one lot, considered an acceptable outcome on the grounds that:

- The applicant’s written request under clause 4.6 of the BLEP 2012 has adequately addressed the matters raised required to be demonstrated by subclause 4.6(3), including that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention of the development standard;
- In accordance with clause 4.6(4)(a)(ii) of the BLEP 2012, the proposed development is in the public interest because it is consistent with the objectives of the development standard to be varied as well as the objectives of the land use zone; and
- The proposed subdivision is compliant with the specific considerations for subdivision in the R5 Large Lot Residential zone under clause 4.6(6) of the BLEP 2012.
- It is compliant with all relevant development controls under the BDCP 2012; and
- It results in minimal impacts to neighbouring dwellings or the public domain as described above.

Development Contributions

No Section 7.11 contributions are applicable.

Conclusion

The proposed development is permissible with the consent of Council. The applicant has adequately demonstrated the proposed development complies with the objectives and provisions of the Bourke LEP 2012. A section 4.15 assessment of the proposal indicates that the development is acceptable in this instance.

Financial Implications

Nil

Recommendation

That application DA 2022/0010 for subdivision of Lot 91 DP753570, 3-7 Culgoa Street, North Bourke NSW 2840, be granted consent subject to all conditions listed below.

Conditions

PART A - GENERAL CONDITIONS

1. APPROVED PLANS AND SUPPORTING DOCUMENTATION

Condition

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
37041-PRO1_A	Final	Statement of Environmental Effects	Barnson	10/03/2022

In the event of any inconsistency between the approved plans and the supporting documentation,

the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. SUBDIVISION WORKS CERTIFICATE

Condition

Prior to the commencement of any subdivision construction works, a subdivision works certificate is to be issued by Council or a registered certifier prior to any subdivision construction works being carried out on site. Nothing in this consent precludes the staging of construction via multiple construction certificates.

Reason

To ensure compliance with Part 6 of the *Environmental Planning and Assessment Act 1979*.

3. SUBDIVISION CERTIFICATE

Condition

In accordance with Part 6 of the *Environmental Planning and Assessment Act 1979* an application for a subdivision certificate along with plans suitable for lodgement with the Land and Property Information NSW and relevant other documentation, shall be made on the completion of works and the relevant application fees paid.

Reason

To ensure the development proceeds in the manner as determined by Council.

4. IMPACT ON RATES

Note: Please note that after subdivision has occurred, this land will not be rated the same as it has previously been rated. Each block created will attract its own general rate, water and sewerage rate, if appropriate, either connected or unconnected and waste management charge.

Under special circumstances, however, the Valuer General may amalgamate the newly created blocks for rating purposes but you must apply to that Department to do so. The actual rate to be charged cannot be determined until the Valuer General has separately valued each new parcel of land, but an estimate of rating may be obtained by contacting Council's Rates Department.

5. COMPLIANCE WITH REQUIREMENTS OF ESSENTIAL ENERGY

Condition

The following Essential Energy requirements are to be addressed to the satisfaction of Essential Energy and Council:

(a) *As part of the subdivision, an easement/s are/is created for any existing electrical*

- infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;*
- (b) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
 - (c) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*
 - (d) Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.*
 - (e) In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
 - (f) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
 - (g) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

Reason

To comply with the requirements of Essential Energy

6. COMPLIANCE WITH REQUIREMENT OF TRANSPORT FOR NSW

Condition

The following Transport for NSW requirements are to be addressed to the satisfaction of Transport for NSW and Council:

- (a) The accesses for Lot 1, 2 and 3 are to be constructed in accordance with the Rural Property Access (Figure 7.2) treatment as per Austroads Guide to Road Design Part 4 and be of a sealed bitumen, match existing road levels and not interfere with existing road drainage.*
- (b) Safe Intersection Sight Distance (SISD) must be provided and maintained in accordance with Austroads Guide to Road Design at the intersection of the driveways with Culgoa Street.*
- (c) Vehicles are to enter and exit the site from/to Culgoa Street in a forward direction.*
- (d) Landscaping, signage, and fencing must not impede sight lines of traffic within or when passing, entering or departing the site.*

Reason

To comply with the requirements of Transport for NSW

PART B – BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**1. SERVICE PLANS****Condition**

Prior to the release of a subdivision works certificate:

- (a) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that the proposed lots will have suitable access to potable water to Council's satisfaction;
- (b) The applicant is to submit to Bourke Shire Council:
 - (i) A site plan indicating a 10 x 15 metre building footprint on all proposed lots and siting and dimensions for on-site sewage infiltration area downslope of the building footprint. Both the building footprint and on-site sewage infiltration area are to be located above the 1:100 year ARI event. Their position, size and shape is to be registered as a restriction on title to Council's satisfaction.
 - (ii) Effluent management study supporting the proposed size and locations of the infiltration area to Council's satisfaction.
- (c) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that stormwater runoff from proposed lots will drain to existing infrastructure in Culgoa Street to Council's satisfaction.
- (d) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that the proposed lots will have suitable vehicular access to Council's satisfaction;
- (e) The applicant is to submit to Bourke Shire Council detailed plans demonstrating that proposed lots will have suitable access to telecommunications via underground connection to Council's satisfaction;
- (f) The applicant is to submit to Bourke Shire Council detailed stormwater and soil and erosion management plans to mitigate impacts associated with connection of the proposed lots to potable water, electricity, stormwater, public road network and telecommunications networks to Council's satisfaction; and
- (g) The applicant is to Bourke Shire Council a waste management plan to ensure demolition/construction waste is appropriately managed on site and recycled where possible in accordance with sustainability principles to Council's satisfaction.

Reason

To comply with the requirements of Bourke Shire Council

PART C – WHILE SUBDIVISION CONSTRUCTION WORK IS BEING CARRIED OUT**1. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY****Condition**

Any subdivision construction work in accordance with this Development Consent must not commence until:

- (a) A Subdivision Works certificate for the subdivision work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has appointed a principal certifying authority for the subdivision work, and

(b1) the principal certifying authority has, no later than 2 days before the subdivision work commences:

- (i) notified the Council of his or her appointment, and
- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and

(c) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the subdivision work.

Reason

To ensure compliance with s6.13 of the Environmental Planning and Assessment Act 1979 as amended

2. HOURS OF WORK

Condition

The principal certifier must ensure that subdivision construction work, demolition or vegetation removal is only carried out between

7.00am and 7.00pm - Monday to Friday

7.00am and 5.00pm - Saturdays

8.00am and 5.00pm - Sundays and Public Holidays

Note: Any variation to the hours of work required Council's approval.

Reason

To protect the amenity of the surrounding area.

3. CONSTRUCTION NOISE

Condition

While subdivision construction work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason

To protect the amenity of the surrounding area.

4. UNCOVERING RELICS OR ABORIGINAL OBJECTS

Condition

While subdivision construction work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the

Secretary of the Department of Planning, Industry and Environment.

In this condition “relic” means any deposit, artefact, object or material evidence that:

- (a) Relates to the settlement of the area that comprised NSW, not being Aboriginal settlement, and
- (b) Is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by person of non-Aboriginal extraction and includes Aboriginal remains.

Reason

To ensure the protection of objects of potential significance during works.

5. EXCAVATIONS AND BACKFILLING

Condition

All excavations and backfilling associated with the subdivision construction works shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure the safety of life and property

6. USE OF FOOTPATHS

Condition

The storage of materials or the placement of sheds is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.

No material, goods or machinery shall be stored, placed or otherwise permitted to stand between the building line and the street alignment.

Reason

To permit access over public places.

7. WASTE CONTAINER

Condition

All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the site prior to subdivision construction work commencing and shall be maintained for the term of the completion of the project.

Reason

To limit waste affecting the environment during construction.

8. HOARDING**Condition**

Separate approval shall be obtained from Council (under the Roads Act) if it is proposed to erect a hoarding upon Council's footpath.

Reason

To ensure compliance with the requirements of the Roads Act 1993.

9. UTILITY INFRASTRUCTURE**Condition**

All infrastructure installed on site is to be clear of existing below ground utility infrastructure. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

Reason

To ensure that utility infrastructure is adequately protected.

PART D – BEFORE THE ISSUE OF A SUBDIVISION CERTIFICATE**1. PROVISION OF TELECOMMUNICATION SERVICES FOR SUBDIVISION****Condition**

Prior to the issue of a subdivision certificate, the applicant is to submit to Bourke Shire Council a telecommunication compliance certificate confirming adequate provision of telecommunication services to all lots.

Reason

To ensure the provisions of telecommunications services to all lots.

2. PROVISION OF POWER FOR SUBDIVISION**Condition**

Prior to the issue of a subdivision certificate, the applicant is to submit to Bourke Shire Council a notice of arrangement from Essential Energy confirming the provision of electrical connections.

Reason

To ensure financial equity in providing adequate power supply for newly created Lot.

3. COMPLIANCE CERTIFICATE**Condition**

A compliance certificate is required confirming the installation of required access arrangements as outlined in Part B, Condition 1(d)

Reason

To comply with the requirements of Bourke Shire Council

4. COMPLIANCE WITH CONDITIONS OF CONSENT


Condition

All conditions of this consent are to be complied with **prior** to release of the subdivision certificate

Reason

To ensure the development proceeds in the manner as determined by Council.

14.2 * DA 2022/0011 5 WARRAWEENA STREET BOURKE RECONSTRUCTION OF SPAR SUPERMARKET**

File Number: D3.1
Author: Dwayne Willoughby, Manager Environmental Services
Authoriser: Mark Riley, General Manager
Attachments: 1. SPAR Supermarket Reconstruction Plans [↓](#) 

Background

Council consent is sought for development approval to reconstruct the SPAR Supermarket at 5 Warraweena Street Bourke, after it was destroyed by fire in December 2021.

Current Situation**The Application**

Applicant: Mr Kollipara Chandrasekhar
Owner: The Trustee for SAUVARNA UNIT TRUST
Proposal: Rebuilding of the 'Spar Supermarket'
Location: Lot 1 DP119757 and Lot 1 DP943667, 5 Warraweena Street, Bourke NSW 2840
Zone: R1 General Residential

No political gifts or donations have been disclosed.

This report has been prepared by Premise Pty Ltd on behalf of Bourke Shire Council. Premise has assessed the proposal in accordance with relevant planning provisions and provides a recommendation of conditional **approval**.

The Proposal

The proposal involves the rebuilding of the 'Spar Supermarket' at 5 Warraweena Street, Bourke following a recent fire. The proposed works include a rectangular main retail building in the north-western corner of the site and an attached storage and loading building to its south-west. The main retail building has a 39.48 metre-long frontage to Warraweena Street including the primary pedestrian entrance and 15.88 metre-long frontage to Darling Street.

A vehicular manoeuvring area including a loading zone and parking for seven light vehicles is located west of the main retail building and north of the storage building, accessible via an existing driveway from Darling Street. A 5,000L grease trap is located in the south-eastern corner of the vehicular manoeuvring area. A further 15 angled on-street parking spaces are proposed beside the site including four along Darling Street and 11 along Warraweena Street.

The proposed development includes an awning over the adjoining pedestrian footpath to Warraweena Street. An 8.65 metre-long, 0.75 metre-tall wall sign with the words 'Spar Supermarket' is to be hung on the eastern elevation, above the awning.

Statistics associated with the proposed development are as follows:

Building: 956.6m²
Manoeuvring: 350m²
Paving: 71.1m²

The Site

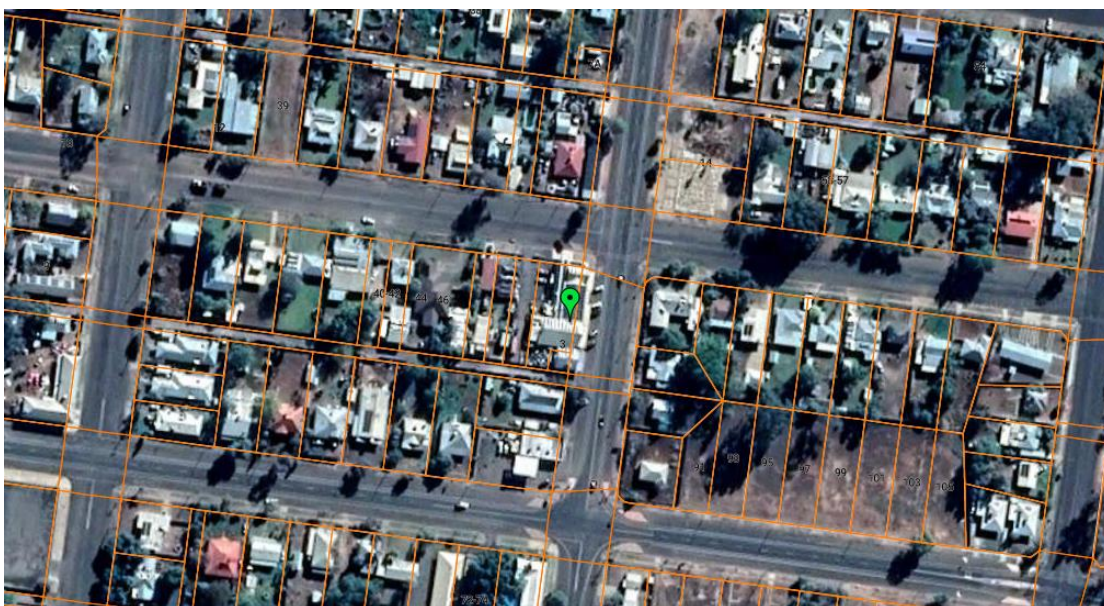
The site has a rectangular shape with an area of 1,477m², primary frontage of 40.54 metres to Warraweena Street and secondary frontage of 31 metres to Darling Street. The southern boundary adjoins an unnamed lane, as well as a small lot accommodating 'Percy's Butchery' at 3 Warraweena Street. The western boundary adjoins a single storey dwelling house at 48 Darling Street. Land opposite the site on Warraweena Street and Darling Street, as well as in the surrounding area, is predominantly occupied by low density residential uses.

The site has generally level topography without significant vegetation. It is currently vacant however was previously occupied by the 'Spar Supermarket' comprising a rectangular main retail building in the north-western corner of the site, storage building to its south and vehicle manoeuvring area in the western portion of the site.

Statistics associated with the former building are as follows:

Building: 730.4m²
Manoeuvring: 492m²
Paving: 119m²
Supermarket: 587.5m²

Locality Plan



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**S1.3 Objects of Act**

The relevant planning legislation in New South Wales (NSW) is the Environmental Planning and Assessment Act 1979 (EP&A Act). The objects of the EP&A Act are:

- *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,*
- *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- *To promote the orderly and economic use and development of land,*
- *To promote the delivery and maintenance of affordable housing,*
- *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- *To promote good design and amenity of the built environment,*
- *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is considered to be generally consistent with the above objectives.

S1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the EP&A Act provides that the EP&A has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (the BC Act). Section 7.2 of the BC Act provides that a development or an activity is "likely to significantly affect threatened species" if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value.*

With respect to (a) above, the site is not known to contain any threatened species or ecological communities, nor is it likely to contain such species or communities due to being significantly disturbed as a result of the historic supermarket and ancillary car parking use. With respect to (c) above, the site is not located within a declared area of outstanding biodiversity value.

With respect to (b) above, Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it is of an extent or kind declared to exceed the threshold under the *Biodiversity Conservation Regulation 2017* (the BC Regulation). Clause 7.1 of the BC

Regulation provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of native vegetation:

- On land shown on the Biodiversity Values Map; or
- Of an extent exceeding the area specified in subclause 7.2(3), depending on the minimum lot size of the land applying to the land under an environmental planning instrument.

With respect to the first point, the site is not mapped under the Biodiversity Values Map. With respect to the second point, the threshold is 0.25 hectares where the minimum lot size under an environmental planning instrument is less than one hectare (minimum lot size under the *Bourke Local Environmental Plan 2012* (the BLEP 2012) is 800m²).

The proposed development does not require the removal of any vegetation. Accordingly, the development is not “likely to significantly affect threatened species” and therefore no further assessment against the BC Act is required.

S4.15 Evaluation – Matters for Consideration

The application has been assessed in accordance with Section 4.15 *Environmental Planning and Assessment Act 1979*.

S4.15(1)(a)(i) Provision of any Environmental Planning Instrument

Bourke Local Environmental Plan 2012

Cl 2.3 Zone Objectives and Land Use Table

The site is located within the R1 General Residential zone under clause 2.3 of the BLEP 2012. The Land Use Table for the R1 General Residential zone is reproduced as follows:

Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that any non-residential land uses permitted on land in the zone are compatible with the amenity of the zone.*

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

The proposed rebuilding of the 'Spar Supermarket' is best characterised as development for the purposes of a 'shop', defined in Dictionary attached to the BLEP 2012 as:

***Shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.*

Development for the purposes of a shop is prohibited in the R1 General Residential zone. Nevertheless, the proposed development is permitted with consent by way of 'Existing Use Rights' under Division 4.11 of the EP&A Act, as discussed in the section titled S4.15(1)(a)(iv) Provisions Prescribed by the Regulations, herewith.

Cl 6.5 Essential Services

Under clause 6.5 of the BLEP 2012, development consent must not be granted unless the consent authority is satisfied that the supply of water and electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access is available or that adequate arrangements have been made to make them available when required. A condition of consent is proposed to ensure that this is achieved.

State Environmental Planning Policy (Industry and Employment) 2021

Under clause 3.4 of *State Environmental Planning Policy (Industry and Employment) 2021* (the Industry SEPP), Chapter 3 of the Industry SEPP applies to all signage that is visible from any public place or public reserve and can be displayed with or without development consent under another environmental planning instrument that applies to the signage. Under clause 3.6, a consent authority is prevented from granting development consent to an application to display signage unless it is satisfied that the signage is consistent with the objectives of the Chapter and satisfies the assessment criteria in Schedule 5.

The proposed 8.65 metre-long, 0.75 metre-tall wall sign with the words 'Spar Supermarket' to be hung above the awning on the eastern elevation has been considered against the objectives of Chapter 3 and assessment criteria in Schedule 5 below.

Cl 3.1 Aims, Objectives etc

The objectives of Chapter 3 are set out in clause 3.1 as follows:

- (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage is consistent with the above objectives.

Schedule 5 Assessment Criteria

The proposed signage is considered against the Schedule 5 assessment criteria in the table below.

Schedule 1 Assessment Criteria	Comment	
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the ‘Spar supermarket’ which formerly occupied the site incorporated similar signage.	✓
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No. There is no apparent advertising theme within the area.	N/A
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No, the ‘Spar supermarket’ which formerly occupied the site incorporated similar signage.	✓
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	✓
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will not dominate the skyline or reduce the quality of vistas.	✓
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obscure any advertising.	✓
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the ‘Spar supermarket’ which formerly occupied the site incorporated similar signage.	✓
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the ‘Spar supermarket’ which formerly occupied the site incorporated similar signage.	✓
Does the proposal reduce clutter by rationalising and	No existing signage.	N/A

Schedule 1 Assessment Criteria	Comment	
simplifying existing advertising?		
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, proposed signage does not extend beyond the built form.	✓
Does the proposal require ongoing vegetation management?	No.	N/A
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the 'Spar supermarket' which formerly occupied the site incorporated similar signage.	✓
Does the proposal respect important features of the site or building, or both?	Yes, the 'Spar supermarket' which formerly occupied the site incorporated similar signage.	✓
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage has been designed to be simple and uncluttered and complement the existing building and other structures on site.	✓
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices, platforms, lighting devices or logos are proposed.	N/A
7 Illumination		
Would illumination result in unacceptable glare?	Illumination is not proposed.	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination is not proposed.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	Illumination is not proposed.	N/A
Can the intensity of the illumination be adjusted, if necessary?	Illumination is not proposed.	N/A
Is the illumination subject to a curfew?	Illumination is not proposed.	N/A
8 Safety		
Would the proposal reduce the safety for any public road?	The signage will not affect road safety.	✓
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the sign will not reduce the safety for pedestrians or cyclists.	✓
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, sightlines are not affected by the proposal.	✓

The proposed signage is consistent with the assessment criteria.

State Environmental Planning Policy (Resilience and Hazards) 2021*Chapter 3 Hazardous and Offensive Development*

Chapter 3 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Hazards SEPP) relates to hazardous and offensive development. Under clause 3.7 of the Hazards SEPP, consideration is required to be given to current circulars or guidelines published by the Department of Planning (the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*) relating to a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or an offensive storage establishment, offensive industry or other potentially offensive industry.

The proposed development includes a grease trap. “Waste (grease trap)” is listed under “Industries that may be potentially offensive in the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (p. 27). Accordingly, a condition of consent is proposed requiring the preparation of a maintenance management plan to ensure no build-up of offensive odours.

Chapter 4 Remediation of Land

Chapter 4 of the Hazards SEPP relates to remediation of land. Clause 4.6 of the Hazards SEPP prevents the consent authority from granting development consent on land unless it has considered whether the land is contaminated and, if contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes for which the development is to be carried out.

There is no evidence indicating contaminating related activities have taken place onsite. The subject site has not appeared to have been subject to any of the materials listed in Appendix A of the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* (NSW Department of Urban Affairs and Planning and Environment Protection Authority, 1998). Following the fire damage, there is no reason to believe that it added to the potential contamination within the Subject Site. No further consideration is required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP) relates to infrastructure development. The following provisions in Chapter 2 are relevant to the proposed development:

- Clause 2.48 Development likely to affect an electricity transmission or distribution network
- Clause 2.118 Development with frontage to a classified road
- Clause 2.121 Traffic-generating development

Cl 2.48 Development likely to affect an electricity transmission or distribution network

Under clause 2.48 of the Infrastructure SEPP, a consent authority must give written notice to the electricity supply authority for the area and take into consideration any response received within 21 days with respect to development involving any of the following:

- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out—

- (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) *immediately adjacent to an electricity substation, or*
 - (iii) *within 5m of an exposed overhead electricity power line,*
- (c) *installation of a swimming pool any part of which is—*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

Overhead power lines run within the road reserve along the site's Darling Street boundary. Essential Energy provided the following initial comments:

Essential Energy has safety concerns in relation to the proximity of the development to Essential Energy's infrastructure.

Information relating to developments near electrical infrastructure is available on our website Development Applications (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website

Encroachments (essentialenergy.com.au) and provide supporting documentation, including a report from a Level 3 Accredited Service Provider calculating the blowout distance of the powerline (if applicable). Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

The applicants consultant undertook the necessary work and submitted the required form with Essential Energy subsequently advising:

Essential Energy has considered the details of your proposal and strictly based upon the documents submitted, Essential Energy consents to the encroachment of the Easement. Clearance to the conductors must meet AS/NZS 7000 clearances - modelling supplied by ASP states closest point - LV = 2.24m, 22kV = 2.61m. Any amendments to the proposal will require Essential Energy's approval.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide

guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets.

Notwithstanding Essential Energy's approval to the encroachment any activities within the easement, or in proximity to Essential Energy's infrastructure, must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. A copy of this guideline can be located at www.resourcesandenergy.nsw.gov.au/data/assets/pdf_file/0004/466816/ISSC-20-Electricity-Easements.pdf.

A condition of consent is proposed to ensure that Essential Energy's requirements are achieved.

Cl 2.118 Development with Frontage to a Classified Road

Under clause 2.118 of the Infrastructure SEPP, the consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The site has frontage to Warraweena Street which forms part of RMS Gazetted Road No. 7 (RMS Schedule of Classified Roads 2017). Whilst the proposed development relies on existing vehicular access from Darling Street, the proposed provision of 11 parking spaces in Warraweena Street to service the development is located adjacent to a classified road. Accordingly, the development has been notified to Transport for New South Wales (TfNSW) and comments have been received (discussed below in relation to TISEPP clause 2.121).

As the consent authority, Council is satisfied that the proposed development is acceptable in the context of clause 2.118 on the basis that:

- The proposed vehicular access utilises the existing crossover from Darling Street and does not propose any new vehicular access points, including from Warraweena Street; and
- The proposal will not adversely affect the safety, efficiency and ongoing operation of the classified road as:
 - Vehicular access to the site is unchanged, other than its potential upgrade to suit current standards (to be made a condition of consent).
 - Once operational, the development will not generate smoke or dust;
 - The gross floor area (GFA) of the supermarket component of the proposed development (613.7m²) is no more than 4.5% greater than that of the previous supermarket (587.5m²), meaning that changes to the nature, volume or frequency of vehicles using the road to gain access to the land is likely to be unchanged.

- Is commercial in nature and therefore not sensitive to traffic noise or vehicle emissions.

CI 2.121 Traffic-generating development

Clause 2.121 of the Infrastructure SEPP applies to development specified in column 1 of Schedule 3 of the Infrastructure SEPP that involves new premises or enlargement or extension of existing premises of a relevant size or capacity specified in column 2 or 3 in Schedule 3. Where the clause applies and the development isn't made by or on behalf of a public authority, the consent authority must:

- Give written notice of the application to TfNSW within seven days of the application being made and take into consideration any submission that RMS provide within 21 days after the notice was given; and
- Take into consideration the accessibility of the site including the efficiency of movement of people and freight to and from the site, the potential to minimise the need for travel by car and any potential traffic safety, road congestion or parking implications of the development.

Shops with a GFA of 500m² or more that have access to a classified road or to a road that connects to a classified road within 90 metres of the site access point are specified in Schedule 3. The proposed supermarket component of the proposed has a GFA of 613.7m² and has access from Darling Street, less than 90 metres from its intersection with Warraweena Street. Accordingly, notice of the development was given to TfNSW who provided the following advice in their letter dated 27 April 2022:

TfNSW provides the following comments to assist Council in assessing and determining the application.

- *All road works should be completed prior to operation of the proposed development.*
- *Council should satisfy itself that all deliveries can be conducted in a legal and safe manner from the local road.*
- *Council should satisfy itself that the parking provision below the Bourke Shire Council Development Control Plan rate will be satisfactory to support the development and not result in queuing into or have impacts on the surrounding road network.*
- *All construction activities, including loading, unloading, storage of materials and construction activities must be undertaken wholly within the bounds of the site and not impact the safety of all road users, including pedestrians or the efficiency of the public road network.*
- *Landscaping, signage, and fencing must not impede sight lines of traffic within or when passing, entering, or departing the site.*

Elements of the above are to be made a condition of consent. As the consent authority, Council is satisfied that any potential traffic safety, road congestion or parking implications of the development are acceptable on the basis that the gross floor area (GFA) of the supermarket component of the proposed development (613.7m²) is no more than 4.5% greater than that of the previous supermarket (587.5m²). As a consequence, changes to the nature, volume or frequency of vehicles using the road to gain access to the land is likely to be unchanged.

S4.15(1)(a)(ii) Provisions of any Draft Environmental Planning Instrument that has been placed on exhibition

There are no current draft environmental planning instrument relevant to the site or proposed development.

S4.15(1)(a)(iii) Provisions of any Development Control Plan

The *Bourke Development Control Plan 2012* (the BDCP 2012) applies to all land within the Bourke Local Government Area. The aims of the DCP are:

- *Define development standards that deliver the outcomes desired by the community and Council.*
- *Provide clear and concise development guidelines for various forms of development.*
- *Encourage innovation in design and development by not over-specifying development controls;*
- *Provide certainty of development outcomes for developers and the community.*

Chapter 2 Information Requirements

Chapter 2 of the DCP contain various provisions which relate to this development and these are discussed below:

- Section 2.2 – BASIX does not apply to the development as it is not a BASIX affected building.
- Section 2.3 - A Statement of Environmental Effects (SEE) has been supplied in respect of the development which addresses relevant issues associated with the development.
- Section 2.4 – Plans and reports have been provided in connection with the development to provide adequate information to enable assessment of the application.
- Section 2.5 – Refer to State Environmental Planning Policy (Industry and Employment) 2021 section, herewith.
- Section 2.6 – The development application has been notified; no submissions were received during the public notification period.

Chapter 3 Natural Hazards

The land is not understood to be flood affected on the basis that the site features red earths (refer Section 3.2.1 of the Bourke DCP), nor is it located within bushfire prone land.

Chapter 4 Development Types

Chapter 4 of the Bourke DCP provides commentary on controls regarding General Housing and Ancillary Structures, Residential Dual Occupancy, Residential Multi-Dwelling Development, Subdivision, Industrial Development, Commercial & Retail Development, Heritage Animal Boarding or Training Establishments, Land Forming Development, Intensive Livestock Agriculture and Intensive Plant Agriculture.

The proposed subdivision is considered against the relevant controls in Section 4.8 in the table below.

DCP Control:	Comment/Compliance:	
4.8.1 Building Setbacks		
No minimum setbacks are specified.	Nil setbacks are proposed to Warraweena and Darling Streets.	✓
Side and rear setbacks must meet BCA requirements.	A 1.992 metre setback is provided to the rear boundary to the unnamed lane and a 0.9 metre setback is provided to the side boundary shared with 48 Darling Street to the west.	✓
4.8.2 Height		
No height restrictions.	Noted.	✓
4.8.3 Outdoor Lighting		
Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	A condition of consent is proposed.	✓
4.8.4 Outdoor Signage		
A single business premises is permitted to have: <ul style="list-style-type: none"> o one under awning sign, o one top hamper sign, and o one fascia sign, o that do not project above or beyond that to which it is attached. o One of which may be illuminated, but not flashing, moving or floodlit. 	A single top hamper sign is proposed.	✓
Design and location of signage must be shown on plans with DA.	Design and location of signage is shown on the plans.	✓
Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.	A condition of consent is proposed.	✓
Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.	Refer to State Environmental Planning Policy (Industry and Employment)2021.	✓
4.8.5 Design		
Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.	A condition of consent is proposed.	✓
Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.	A condition of consent is proposed.	✓
Plans must show the location of all	External infrastructure is not proposed.	N/A

DCP Control:	Comment/Compliance:	
external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.		
Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as land mark feature of the street.	A condition of consent is proposed.	✓
4.8.6 Post supported verandas and balconies		
Set back a minimum of 600 mm from the back of the kerb.	TfNSW condition has addressed this requirement	✓
Must complement the style, materials and character of the building being altered.	The proposed post-supported awning complements the style, materials and character of the proposed building.	✓
Public liability insurance to Council requirements, and a Council license is required for verandah or balcony awning over the public footpath.	This was not a requirement for the previous building nor a requirement for any other buildings with verandahs and awnings over the footpath, therefore not required.	✓
Not to interfere with operation of or access to utility infrastructure.	The proposed post-supported awning does not interfere with operation of or access to utility infrastructure.	✓
4.8.7 Utilities and Services		
Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided.	A condition of consent is proposed.	✓
Applications must demonstrate adequate provision for storage and handling of solid wastes.	A condition of consent is proposed.	✓
Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.	Council have nil trade waste policy adopted. A condition of consent is proposed to ensure that the grease trap complied with required guidelines. Council and require a maintenance management plan to be provided.	✓
Buildings and structures are to be located clear of utility infrastructure.	A condition of consent is proposed.	✓
For sewer mains, structures are to be located a minimum of one metre or	A condition of consent is proposed.	✓

DCP Control:	Comment/Compliance:	
the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy “Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains” for further detail.		
4.8.8 Traffic and Access		
All vehicles must be able to enter and exit the site in a forward direction.	Heavy vehicles being unable to enter and exit the site in a forward direction is an acceptable outcome on the grounds that: <ul style="list-style-type: none"> • Enforcing compliance would significantly reduce the area available within the site to accommodate a supermarket to service the needs of the local community; and • The existing supermarket (prior to the fire) operated in a similar fashion as proposed. 	Acceptable on merit
Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.	The proposed development does not result in conflict between vehicle types. A condition of consent is proposed to ensure loading/unloading occurs outside of business hours.	✓
Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.	A condition of consent is proposed.	✓
Unsealed vehicle movement areas are not acceptable due to environmental management impacts.	Unsealed vehicle manoeuvring areas are not proposed.	N/A
Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.	The loading bay avoids other purposes and is adequately linemarked and signposted.	✓
Site access not permitted: <ul style="list-style-type: none"> o Close to traffic signals, intersection or roundabouts with inadequate sight distances; o Opposite other large developments without a median island; 	The proposed site access is consistent with the existing access point and is located on Darling Street (local road), at the furthest point within the site from Darling Street’s intersection with Warraweena Street.	✓

DCP Control:		Comment/Compliance:	
<ul style="list-style-type: none"> o Where there is heavy and constant pedestrian movement on the footpath; o Where right turning traffic entering the site may obstruct through traffic. 			
Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.		A total of 7 on-site spaces are proposed, with capacity on street for a further 15.	N/A
The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.		A single access/egress point is proposed.	✓
Driveways must be provided in accordance with AS 2890.1 Parking Facilities		A condition of consent is proposed.	✓
4.8.9 Parking			
Land Use	Parking Requirements	The gross floor area (GFA) for proposed retail space only is 593.6m ² . Based on the above, the required spaces number of parking spaces under the BDCP 2012 is (593.6/25) 23.74 or 24 spaces. Seven (7) off-street spaces (including an accessible space) and fifteen on street spaces which are historically linked to the site are proposed, providing a total of 22 parking spaces. The deficit of two is acceptable on the basis that: <ul style="list-style-type: none"> • It is anticipated that a high proportion of customers will walk to the business due to its location within a low density residential area, proximate to existing customers; • The maximum number of staff at anyone time is four (4) who are encouraged to park off site; • Customers generally spend short periods of time in the business, allowing quick turn-over of parking spaces; and • Additional overflow car parking 	Acceptable on merit
Bulky Goods	1 space per 45 m ² GFA		
Business	1 space per 25 m ² GFA		
Brothels	1 space per staff working at any one time plus 1 space per room where sexual services provided		
Child Care Centre	1 space per every 5 children (based on maximum allowed)		
Drive-in takeaway food shop	1 space per 8.5 m ² GFA plus 1 space per 3 seats		
Health Consulting Rooms	3 spaces per practitioner plus 1 space per employee		
Hotel	1 space per hotel unit plus 1 space per 3.5 m ² licensed public floor area		
Major Retail Premises	Refer to RTA Guidelines		
Medical Centres	1 space per 25 m ² GFA or spaces per		

DCP Control:		Comment/Compliance:	
	practitioner plus 1 space per employee whichever is greater	spaces are available along Darling Street and Warraweena Street without causing significant impact on neighbours.	
Motel	1 space per accommodation unit plus 1 space per 2 employees		
Restricted Premises	1 space per 23 m ² GFA (leasable)		
Retail Premises < 1,000 m ² GFA	1 space per 25 m ² GFA		
Retail Premises shops > 1,000 m ² GFA	1 space per 16 m ² GFA		
Retail Premises video	1 space per 16 m ² GFA		
4.8.10 Brothels and Restriction Premises			
Must be located at least 150m from any of the following: <ul style="list-style-type: none"> o Existing dwelling; o Residential zone; o Place of worship; o Any place designated for and utilised by children (e.g. child care centre, community facility, educational establishment, entertainment facility, recreation area/facility); o Any other sex services premises. 		The proposed development is for the purposes of shops.	N/A
4.8.11 Landscaping			
Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.		22 parking spaces are provided in groups of seven within the site boundaries, four within the Darling Street road reserve and 11 within the Warraweena Street road reserve.	N/A
Edging to be provided to retain mulch and protect the landscaping from damage from vehicles.		A condition of consent is proposed.	✓

DCP Control:	Comment/Compliance:	
Landscaping shall comprise only low maintenance, drought and frost tolerant species.	A condition of consent is proposed.	✓

Chapter 6 General Development Specifications

Chapter 6 provides development controls for General Development Specifications for Other Development Types including Parking, Landscaping, Outdoor Lighting, Outdoor Advertising/Signage, as well as Environmental Controls including Environmental Effects, Soil and Erosion Control, Vegetation, Waste Management, Noise and Geology. The proposed development is considered against the relevant controls in Chapter 6 below.

DCP Control:	Comment/Compliance:	
6.2 Other Development Types		
6.2.1 Parking		
Parking must be provided as per the Schedule in Appendix 1	Refer to the section on Chapter 4 Development Types.herewith.	Acceptable on merit
Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.	Noted.	✓
Parking and traffic requirements will be based on consideration of: <ul style="list-style-type: none"> o likely peak usage times. o the availability of public transport. o likely demand for off street parking generated by the development. o existing traffic volumes on the surrounding street network; and o efficiency of existing parking provision in the location. 	Noted.	✓
Comply with Australian Standard AS2890.1 Parking Facilities.	A condition of consent is proposed.	✓
Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply: <ul style="list-style-type: none"> (a) Determine the parking requirements of the previous or existing premises in accordance with Appendix A. (b) Determine the parking requirement of the proposed development in accordance with Appendix I to these Guidelines. (c) Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above. (d) The difference calculated in (c) above represents the total number of 	Noted.	✓

DCP Control:	Comment/Compliance:	
parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable.		
6.2.2 Landscaping		
Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.	Proposed landscaping is compliant.	✓
Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.	22 parking spaces are provided in groups of seven within the site boundaries, four within the Darling Street road reserve and 11 within the Warraweena Street road reserve.	N/A
Landscaping shall comprise low maintenance, drought and frost tolerant species.	A condition of consent is proposed.	✓
6.2.3 Outdoor Lighting		
All developments shall demonstrate compliance with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.	A condition of consent is proposed.	✓
Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.	Sweeping lasers or searchlights are not proposed.	N/A
6.2.4 Outdoor Advertising / Signage		
Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 11pm each night.	A condition of consent is proposed.	✓
Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.	Refer to the section on State Environmental Planning Policy (Industry and Employment) 2021, herewith.	N/A
Advertising in Primary Production zones may only: <ul style="list-style-type: none"> o advertise a facility, activity or service located on the land; or o direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other. 	The site is not located within a primary production zone.	N/A

DCP Control:	Comment/Compliance:	
External illumination to signs must be top mounted and directed downwards	A condition of consent is proposed.	✓
<p>The following types of signs are not acceptable:</p> <ul style="list-style-type: none"> o Portable signs on public footways and road reserves including A Frame and Sandwich Boards. o Electronic trailer mounted road signs used for promotional or advertising purposes. o Outdoor furniture (including chairs, bollards and umbrellas) advertising products such as coffee, alcohol or soft drink. o A roof sign or wall sign projecting above the roof or wall to which it is affixed. o Flashing or intermittently illuminated signs. o Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising. o Signs fixed to trees, lights, telephone or power poles. o Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs. o Any sign which would in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place. o Numerous small signs and advertisements carrying duplicate information; and o Overhead banners and bunting, except in the form of temporary advertisement. 	Signage of the type specified opposite is not proposed.	✓
6.3 Environmental Effects		
6.3.1 Environmental Effects		
<p>The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:</p> <ul style="list-style-type: none"> o Traffic o Flood liability 	The environmental effects are addressed in the SEE.	✓

DCP Control:	Comment/Compliance:	
<ul style="list-style-type: none"> o Slope o Construction impacts o Solid and Liquid Waste o Air quality (odour and pollution) o Noise emissions o Water quality o Sustainability 		
6.3.2 Soil and Erosion Control		
Runoff shall be managed to prevent any land degradation including offsite sedimentation.	A condition of consent is proposed.	✓
Cut and fill will be minimised, and the site stabilised during and after construction.	The proposed development requires minimal cut and fill.	N/A
Arrangements in place to prompt revegetation of earthworks to minimise erosion.	The proposed development requires minimal cut and fill.	N/A
6.3.3 Vegetation		
Development design shall accommodate the retention of any significant trees and vegetation	The removal of significant trees or vegetation is not proposed.	✓
6.3.4 Waste Management		
General waste storage and collection arrangements shall be specified.	A condition of consent is proposed.	✓
6.3.5 Noise		
Where relevant, applications are to contain information about likely noise generation and the method of mitigation.	Noise impacts are expected to be minimal and consistent with that of the existing Spar supermarket, prior to it burning down.	✓
6.3.6 Geology		
The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.	Minimal excavation is required.	✓

S4.15(1)(a)(iv) Provisions Prescribed by the Regulations

Section 4.67 of the EP&A Act provides that the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) may make provisions for or with respect to existing use, including with respect to the carrying out of alterations, extension, rebuilding, change of use, enlargement, expansion or intensification of an existing use. Sections 164 and 166 of the EP&A Regulation provide that an existing use may be enlarged, expanded, intensified and rebuilt with consent, provided the work for the existing use of the building and no other use and the work is carried out only on the land on which the building or work was erected or carried out immediately before it became prohibited.

The proposed development seeks to rebuild the former supermarket, as well as expand the supermarket to provide a larger storage/loading area. The rebuilding and expansion is permitted with consent on the basis that the proposed development is only for the existing use (shop) and

no other use and the work is carried out only on the land on which the existing use existed before it became prohibited.

S4.15 (1)(b) The Likely Impacts of the Development

Contamination

There is no evidence indicating contaminating related activities have taken place onsite. The subject site has not appeared to have been subject to any of the materials listed in Appendix A of the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (NSW Department of Urban Affairs and Planning and Environment Protection Authority, 1998). Following the fire damage, there is no reason to believe that it added to the potential contamination within the Subject Site. No further consideration is required.

Context

The proposed development provides an appropriate response to its context through:

- Height, bulk and scale consistent with that of the former supermarket, as well as to its location at the corner of the street block where it provides emphasis to the intersection of Warraweena and Darling Streets; an
- Peer-supported awning to the Warraweena Street frontage providing protection to pedestrians using the adjoining footpath and accessing the development.

However, the development presents substantial expanses of blank wall to both street frontages (noting that this is consistent with the building being replaced).

Accordingly, a condition of consent is proposed to require the provision of a detailed materials and colours palette to provide articulation to this elevation, which could include the provision of windows, to be agreed and accepted by Council prior to issue of a construction certificate.

Internal Design

The proposed development includes a vehicular manoeuvring area behind the proposed supermarket with seven customer parking spaces. Pedestrian access from the customer parking and internal areas of the supermarket is unattractive and creates crime risks due to the lack of visibility between the internal and external area. Accordingly, a condition of consent is proposed to consider the provision of an entry in the western façade similar to that proposed to Warraweena Street.

Services

The subject site is currently serviced by reticulated water and sewer infrastructure, stormwater management, electricity, and telecommunications. Vehicular access to the site is unchanged, other than its potential upgrade to suit current standards (to be made a condition of consent).

Stormwater runoff in Warraweena and Darling Street has been an ongoing issue for a number of years. The kerb and guttering in these areas need to be upgraded to ensure satisfactory stormwater run off is achieved. A condition of consent is proposed requiring the replacement of the kerb and gutter in these areas. Any required upgrades to the footpath are to be at full cost to the developer.

Amenity

The proposed development will result in substantially the same amenity impacts to neighbouring dwellings and the public domain as the former supermarket. Any increase in amenity impacts is predominantly associated with the expansion of the storage/loading area located in the south-

western corner of the site. Amenity impacts associated with the expansion of the storage/loading area are expected to be minimal in terms of:

- Overshadowing due to shadows being predominantly cast over the adjoining unnamed lane; and
- Visual and acoustic privacy due to no windows being provided in the facades orientated towards neighbouring dwellings.

Traffic

Access

Vehicular access to the site is unchanged, other than its potential upgrade to suit current standards (to be made a condition of consent).

Vehicular Manoeuvring Areas and Parking

The gross floor area (GFA) for proposed retail space only is 593.6m². Based on the above, the required spaces number of parking spaces under the BDCP 2012 is (593.6/25) 23.74 or 24 spaces. Seven (7) off-street spaces (including an accessible space) and fifteen on street spaces which are historically linked to the site are proposed, providing a total of 22 parking spaces.

The deficit of two is acceptable on the basis that:

- It is anticipated that a high proportion of customers will walk to the business due to its location within a low density residential area, proximate to existing customers;
- The maximum number of staff at anyone time is four (4) who are encouraged to carpool;
- Customers generally spend short periods of time in the business, allowing quick turn-over of parking spaces; and
- Additional overflow car parking spaces are available along Darling and Warraweena Streets without causing significant impact on neighbours.

A dedicated area for loading and unloading of heavy vehicles is also proposed within the vehicular manoeuvring area. Heavy vehicles being unable to enter and exit the site in a forward direction is an acceptable outcome on the grounds that:

- Enforcing compliance would significantly reduce the area available within the site to accommodate a supermarket to service the needs of the local community; and
- The existing supermarket (prior to the fire) operated in a similar fashion as proposed.

A condition of consent is proposed to ensure loading/unloading occurs outside of business hours to avoid conflict between heavy vehicles and customer vehicles.

Surrounding Road Network

Any potential traffic safety, road congestion or parking implications of the development are acceptable on the basis that the gross floor area (GFA) of the supermarket component of the proposed development (613.7m²) is no more than 4.5% greater than that of the previous supermarket (587.5m²). As a consequence, changes to the nature, volume or frequency of vehicles using the road to gain access to the land is likely to be unchanged.

Soil Erosion and Sediment Control

A condition of consent is proposed to ensure that soil erosion and sediment control is adequately managed during construction.

Noise and Vibration

Noise impacts are expected to be minimal and consistent with that of the existing Spar supermarket, prior to it burning down.

Waste Management

A condition of consent is proposed to ensure that there is adequate space within the loading/storage area to accommodate the type and number of bins required to service the development in a caged area.

S4.15(1)(c) The Suitability of the Site

The site is suitable for the proposed alterations and additions on the grounds that:

- It is unlikely to contain Aboriginal sites or places due to being significantly disturbed and without natural features in which Aboriginal sites or places are commonly found such as within riparian corridors or amongst extant vegetation, rock features or sand dunes;
- The site is generally level and without significant vegetation;
- The site has existing connections to essential services (potable water, electricity, sewage disposal, stormwater drainage and vehicular access) which require minimal, if any, augmentation to accommodate the proposed development;
- The site is not identified as being or adjoining a heritage item under the BLEP 2012 or located within a local heritage conservation area under the BLEP 2012;
- The site is not known to be impacted by flooding;
- The site is not known to be impacted by bushfire; and
- The site was formerly occupied by the same development, prior to it burning down.

S4.15(1)(d) Any Submissions Made in Accordance with the Act

No submissions were received during public notification of the proposed development.

S4.15(1)(e) Public Interests

The proposed development is in the public interest as:

- It is permitted with consent by way of existing use rights under Division 4.11 of the EP&A Act, consistent with the objectives of the R1 General Residential zone applying to the site under the BLEP 2012, as well as compliant with all other relevant development standards under the BLEP 2012; and
- It is compliant with all relevant development controls under the BDCP 2012, with the exception of:
 - The requirement for all vehicular movements including heavy vehicle movements to and from the site to be in a forward direction, an acceptable outcome on the grounds that the former supermarket operated in a similar fashion as proposed; and
 - Parking provision, an acceptable outcome on the grounds that the shortfall is limited to two spaces and is consistent with that which was provided in association with the former supermarket.
- It results in minimal impacts to neighbouring dwellings or the public domain as described above.

S4.46 What is “Integrated Development”?

Section 4.46 of the EP&A Act sets out the approvals under separate legislation which trigger categorisation of a development application as “integrated development”. This includes Section 138 of the *Roads Act 1993* (the Roads Act) which lists the following triggers:

consent to—

- (a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road*

The proposed development is integrated development by way of Section 138 of the Roads Act on the basis that it seeks to erect a structure or carry out a work in, on or over a public road, including:

- A verandah over the footpath on Warraweena Street (HW7) Road Reserve.
- Linemarking of 11 parking spaces in Warraweena Street to service the development.

As Warraweena Street forms part of RMS Gazetted Road No. 7 (RMS Schedule of Classified Roads 2017), development consent under Section 138 of the Roads Act cannot be granted without concurrence of TfNSW.

The relevant portion of TfNSW's letter dated 27 April 2022 granting concurrence to the proposed development is reproduced as follows:

TfNSW is willing to grant its concurrence to the proposal to erect the verandah over the footpath in the road reserve pursuant to section 138(2) of the Roads Act 1993 subject to the following conditions being met:

- *During placement of the posts and ongoing operation, the safe passage of pedestrians on the Warraweena Street footpath approaching and passing the subject land is to be maintained.*
- *The verandah, including post are not to impede sight lines of traffic at the intersection of Warraweena and Darling Streets.*
- *The verandah, including posts are to be set back behind the kerb line in Warraweena Street.*
- *The design and construction of the verandah structure is to be certified by a structural engineer including consideration protection from light vehicle impact during parking manoeuvres.*
- *No parking or delivery activities are to take place on or from the Mitchell Highway (HW7) road reserve other than in legally created spaces for such purposes.*
- *Prior to the commencement of construction work impacting traffic on the Mitchell Highway, the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a road occupancy licence (ROL) is required. In the event an ROL is required provide the consent number in the road occupancy licence application. Please note that up to 10 working days is required for Road Occupancy Licence applications to be assessed and processed. <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>*

The above matters are able to be addressed via conditions of consent.

SS4.65-4.70 Existing Uses

'Existing use' is defined in Section 4.65 of the EP&A Act as:

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land—*
 - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
 - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

Section 4.67 of the EP&A Act provides that the EP&A Regulations may make provisions for or with respect to existing use, including with respect to the carrying out of alterations, extension, rebuilding, change of use, enlargement, expansion or intensification of an existing use. The proposed development is considered against the provisions relating to existing use in the EP&A Regulation in the section titled S4.15(1)(a)(iv) Provisions Prescribed by the Regulations, herewith.

Development Contributions

No Section 7.11 contributions are applicable.

Conclusion

The proposed development is permissible with the consent of Council. The applicant has adequately demonstrated the proposed development complies with the objectives and provisions of the Bourke LEP 2012. A section 4.15 assessment of the proposal indicates that the development is acceptable in this instance.

Recommendation

That application DA 2022/0011 for the rebuilding and minor expansion of a supermarket at Lot 1 DP119757 and Lot 1 DP943667, 5 Warraweena Street, Bourke NSW 2840, be granted consent subject to all conditions listed below.

Recommendation

That application DA 2022/0011 being for the rebuilding and minor expansion of a supermarket at Lot 1 DP119757 and Lot 1 DP943667, 5 Warraweena Street, Bourke NSW 2840, be granted consent subject to all conditions listed below.

PART A - GENERAL CONDITIONS**1. APPROVED PLANS AND SUPPORTING DOCUMENTATION****Condition**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title	Drawn By	Dated
38292-A00	C	Locality Plan	Barnson	23/03/22
38292-A02	D	Project Site Plan	Barnson	28/03/22
38292-A03	E	Floor Plan	Barnson	28/03/22
38292-A04	C	Elevations	Barnson	23/03/22
38292-A05	C	Sections & First Floor Plan	Barnson	23/03/22
38292-A06	B	Vehicle Movements	Barnson	23/03/22
38292-PR01_A	Final	Statement of Environmental Effects	Barnson	28/03/22

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. CONSTRUCTION CERTIFICATE

Condition

A construction certificate is to be issued by Council or a registered certifier prior to any building works being carried out on site. Nothing in this consent precludes the staging of construction via multiple construction certificates.

In accordance with section 9 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations 2021*, any application for a construction certificate is to

be accompanied by a list of proposed fire safety measures to be provided in relation to the land and buildings on the land as a consequence of the building work.

Reason

To ensure compliance with Part 6, section 6.3 (1) (a) of the *Environmental Planning and Assessment Act 1979* and section 9 of *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations 2021*.

3. PLUMBING AND DRAINAGE WORKS**Condition**

All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500.

Reason

To ensure compliance with the requirements of the relevant legislation.

4. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**Condition**

That the work must be carried out in accordance with the requirements of the *Building Code of Australia*, in force at the time of construction certificate issue.

Reason

The condition is prescribed under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

5. COMPLIANCE WITH REQUIREMENT OF TRANSPORT FOR NSW**Condition**

The following Transport for NSW requirements are to be addressed to the satisfaction of Transport for NSW and Council:

1. *Concurrence to the proposal to erect the verandah over the footpath in the road reserve pursuant to section 138(2) of the Roads Act 1993 is subject to the following requirements of TfNSW being met:*
 - a. *During placement of the posts and ongoing operation, the safe passage of pedestrians on the Warraweena Street footpath approaching and passing the subject land is to be maintained.*
 - b. *The verandah, including post are not to impede sight lines of traffic at the intersection of Warraweena and Darling Streets.*
 - c. *The verandah, including posts are to be set back behind the kerb line in Warraweena Street.*
 - d. *The design and construction of the verandah structure is to be certified by a structural engineer including consideration to protection from light vehicle impact during parking manoeuvres.*
2. *Concurrence to the proposal is subject to the following further requirements of TfNSW being met:*

- a. *No parking or delivery activities are to take place on or from the Mitchell Highway (HW7) road reserve other than in legally created spaces for such purposes.*
- b. *Prior to the commencement of construction work impacting traffic on the Mitchell Highway, the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to determine if a road occupancy licence (ROL) is required. In the event an ROL is required provide the consent number in the road occupancy licence application. Please note that up to 10 working days is required for Road Occupancy Licence applications to be assessed and processed.
<https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>*
- c. *All signage including any proposed internally lit signs should be contained within property boundaries and designed to meet the objectives of Transport Corridor Outdoor Advertising and Signage Guidelines 2017.*
- d. *All road works should be completed prior to operation of the proposed development.*
- e. *All construction activities, including loading, unloading, storage of materials and construction activities must be undertaken wholly within the bounds of the site and not impact the safety of all road users, including pedestrians or the efficiency of the public road network.*
- f. *Landscaping, signage, and fencing must not impede sight lines of traffic within or when passing, entering, or departing the site.*

Reason

To comply with the requirements of TfNSW.

6. COMPLIANCE WITH REQUIREMENT OF ESSENTIAL ENERGY**Condition**

The following Essential Energy requirements are to be addressed to the satisfaction of Essential Energy and Council:

Essential Energy consents to the encroachment of the Easement strictly based upon the documents submitted. Clearance to the conductors must meet AS/NZS 7000 clearances - modelling supplied by ASP states closest point - LV = 2.24m, 22kV = 2.61m. Any amendments to the proposal will require Essential Energy's approval.

Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines/Underground Assets.

Notwithstanding Essential Energy's approval to the encroachment any activities within the easement, or in proximity to Essential Energy's infrastructure, must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. A copy of this guideline can be located at [www.resourcesandenergy.nsw.gov.au/ data/assets/pdf_file/0004/466816/ISSC-20-](http://www.resourcesandenergy.nsw.gov.au/data/assets/pdf_file/0004/466816/ISSC-20-)

[Electricity- Easements.pdf](#).

Reason

To comply with the requirements of Essential Energy.

7. ACCESS/EGRESS FOR PEOPLE WITH DISABILITIES**Condition**

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

Reason

To ensure safe, equitable and dignified access and egress for people with disabilities.

8. MANEUVERING AREAS/DRIVEWAYS**Condition**

All driveways, wearing areas and manoeuvring spaces are to be sealed with an appropriate hard wearing treatment option in accordance with the requirements of Council's Engineering Department and must be provided in accordance with Australian Standard AS2890.0 Parking Facilities.

Reason

To ensure that the site is controlled and dust creation minimised.

9. ROOF WATER DISPOSAL**Condition**

Guttering and downpiping are to be provided and connected to approved drainage lines to convey roof water from the building to:-

- i. the street gutter
- ii. the existing roof water disposal system

Reason

To prevent damage to property and prevent unhealthy or dangerous conditions.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**1. ADDITIONAL INFORMATION****Condition**

The applicant is to provide the following information prior to the release of a construction certificate:

A detailed site survey which identifies the location of all essential services within the site boundaries and in the adjoining public road reserve;

A detailed service strategy demonstrating the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of the development. Evidence of consultation with Bourke Shire Council is to be provided.

Detailed plans demonstrating that vehicular access is compliant with AS 2890.1 Parking Facilities;

A maintenance management plan for the proposed grease trap to the satisfaction of Bourke Shire Council; and

If lighting is proposed, provide a lighting plan which demonstrates that:

Outdoor lighting complies with AS4282 Control of Obtrusive Effects of Outdoor Lighting; and

Illuminated signage is fitted with a timer switch to dim or turn off the light by 11pm each night where there is potential for light spill from signage to adjoining properties.

Reason

To comply with the requirements of Bourke Shire Council.

2. AMENDED PLANS

Condition

The applicant is to submit to Bourke Shire Council amended plans that include:

- a. A detailed colour and materials palette that provides articulation to the Darling and Warraweena Street frontages for Council approval. The inclusion of windows in these elevations is encouraged;
- b. Give consideration to the inclusion of a pedestrian entry in the western façade similar to that proposed to Warraweena Street;
- c. Demonstrating a suitable, designated internal area to accommodate the type and number of bins needed to support the development to Bourke Shire Council's satisfaction;
- d. Demonstrating that structures are located clear of utility infrastructure and a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of any sewer mains within the site or in the surrounding road reserve; and
- e. Demonstrating that the vehicular manoeuvring area is to be sealed to Bourke Shire Council's satisfaction.
- f. A landscape plan is to be provided to Bourke Shire Council which demonstrates that:
 - i. Edging is provided to landscaping to retain mulch and protect is from damage from vehicles; and
 - ii. Species selection comprises only low maintenance, drought and frost tolerant species.

Reason

To satisfy the requirements of Bourke Shire Council and TfNSW.

3. KERB, GUTTERING AND FOOTPATH

Condition

Prior to the issue of a construction certificate detailed engineered plans are to be provided to Council, outlining proposed kerb, guttering and footpath renewal fronting the development in Warraweena and Darling Streets. The design is to ensure that stormwater is satisfactorily disposed of in these areas.

All kerb, guttering, stormwater and footpath works are to be completed to satisfaction of Council and at full cost to the developer.

Reason

To ensure road safety is accounted for in the design and development and satisfactory disposal of stormwater.

4. EROSION AND SEDIMENT CONTROL PLAN

Condition

Before the issue of a construction certificate or prior to the carrying out of earthworks at the site, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the Principal Certifier:

- Council's development control plan,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book) and
- The 'Do it Right On-Site, Soil and Water Management for the Construction Industry (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during the site works and construction.

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

5. FACILITIES FOR PEOPLE WITH DISABILITIES

Condition

Plans and details of the disabled toilet/s shall comply with the relevant Australian Standards, the Building Code of Australia and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, plans are to be forwarded to Council demonstrating compliance.

Reason

To provide accessible facilities for people with disabilities

6. PARKING FACILITIES FOR PEOPLE WITH DISABILITIES**Condition**

Plans and details of the disabled parking shall comply with the relevant Australian Standards, the Building Code of Australia and with regard to the Disability Discrimination Act 1992. Prior to the issue of a Construction Certificate, plans are to be forwarded to Council demonstrating compliance.

Reason

To provide accessible parking facilities for People with Disabilities.

7. TRADE WASTE**Condition**

Prior to the issue of a construction certificate in relation to the delicatessen/commercial kitchen element of the development, details of the proposed grease trap are to be supplied to Council for their approval.

The grease trap is to comply with the Liquid Trade Waste Management Guidelines, all applicable statutory requirements and is to be installed to Council's satisfaction.

Reason

To ensure compliance with Statutory requirements.

8. SECTION 68 LOCAL GOVERNMENT ACT 1993 APPROVALS**Condition**

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Bourke Shire Council, for the following approvals:

- Plumbing and stormwater drainage

Reason

To ensure compliance with *Local Government Act 1993*.

9. APPOINTMENT OF PRINCIPAL CERTIFIER**Condition**

No work shall commence in connection with this Development Consent until:

- a. A Construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) a registered certifier; and
- b. the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and

- (ii) notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and

b1. the principal certifier has, no later than 2 days before the building work commences:

- (i) notified the Council of his or her appointment, and
- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

b2. the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- (ii) notified the principal certifier of such appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

c. the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Reason

To ensure compliance with section 6.6 of the *Environmental Planning and Assessment Act 1979* as amended.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

1. PAYMENT OF BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE LEVY

Condition

Before the commencement of building works, the applicant is to ensure that the person liable pays the long service levy to the Long Service Levy Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Reason

To ensure the long service levy is paid.

2. SIGNS ON SITE

Condition

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifier for the work,

and

- b. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

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

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason

Prescribed condition *Environmental Planning and Assessment Regulation 2021*, section 70.

3. NOTICE OF COMMENCEMENT

Condition

No work shall commence until a notice of commencement (form will be attached with issue of a Construction Certificate) giving Council:

- a. Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- b. Details of the appointment of a Principal Certifier (either Bourke Shire Council or another registered certifier)
- c. Details of the name, address and licence details of the Builder.

Reason

Statutory requirement under section 6.6 of the *Environmental Planning and Assessment Act 1979*.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

1. PUBLIC SAFETY

Condition

All construction activities, including loading, unloading, storage of materials and construction activities must be undertaken wholly within the bounds of the site and not impact the safety of all road users, including pedestrians or the efficiency of the public road network.

Reason

To ensure the safety of pedestrians and road users.

2. APPROVED PLANS

Condition

A complete set of approved plans and specifications are to be on site while building work is in progress.

Reason

To ensure works occur in accordance with the approval.

3. HOURS OF WORK**Condition**

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between

7.00am and 7.00pm - Monday to Friday

7.00am and 5.00pm - Saturdays

8.00am and 5.00pm - Sundays and Public Holidays

Note: Any variation to the hours of work required Council's approval.

Reason

To protect the amenity of the surrounding area.

4. CONSTRUCTION NOISE**Condition**

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason

To protect the amenity of the surrounding area.

5. UNCOVERING RELICS OR ABORIGINAL OBJECTS**Condition**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- a. Relates to the settlement of the area that comprised NSW, not being Aboriginal settlement, and
- b. Is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by person of non-Aboriginal extraction and includes Aboriginal remains.

Reason

To ensure the protection of objects of potential significance during works.

6. EXCAVATIONS AND BACKFILLING**Condition**

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

Reason

To ensure the safety of life and property.

7. USE OF FOOTPATHS**Condition**

The storage of materials or the placement of sheds is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.

No material, goods or machinery shall be stored, placed or otherwise permitted to stand between the building line and the street alignment.

Reason

To permit access over public places.

8. WASTE CONTAINER**Condition**

All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.

Reason

To limit waste affecting the environment during construction.

9. ON SITE FACILITIES**Condition**

A suitable on-site toilet is to be provided on site and must remain throughout the project or until an alternative facility meeting Council's requirements is available on-site. This may be via a temporary toilet facility or through available access to existing facilities.

Reason

To adequately provide for construction workers.

10. HOARDING**Condition**

Separate approval shall be obtained from Council (under the Roads Act) if it is proposed to erect a hoarding upon Council's footpath.

Reason

To ensure compliance with the requirements of the Roads Act 1993.

11. UTILITY INFRASTRUCTURE**Condition**

All infrastructure installed on site is to be clear of existing below ground utility infrastructure. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

Reason

To ensure that utility infrastructure is adequately protected.

12. WALL/ROOF CLADDING**Condition**

Non-reflective finish materials to be used on the wall/roof cladding for the building.

Reason

To reduce the visual reflective impact on adjoining properties.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**1. PUBLIC SAFETY****Condition**

The applicant is to ensure the following is undertaken and evidence provided to Council, where required:

Structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed in accordance with Section 49 of the Electricity Supply Act 1995 (NSW);

Reason

To ensure public safety and to satisfy the requirements of Essential Energy and TfNSW.

2. CONSOLIDATION OF LOTS**Condition**

Prior to the issue of an occupation certificate the applicant is to provide Council with evidence that allotment consolidation has been undertaken.

Reason

To ensure allotments are consolidated prior to occupation.

3. REPAIR OF INFRASTRUCTURE**Condition**

Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

Note: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.

Reason

To ensure any damage to public infrastructure is rectified.

4. REMOVAL OF WASTE UPON COMPLETION**Condition**

Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and materials unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan (if applicable).

Before issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

Reason

To ensure waste material is appropriately disposed or satisfactory stored.

5. FIRE SAFETY CERTIFICATE**Condition**

A final Fire Safety Certificate shall be obtained in accordance with Part 5, Division 2 section 41 of the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021*, prior to the issue of an Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Bourke Shire Council;
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

Reason

To ensure the safety of the building

6. OCCUPATION CERTIFICATE**Condition**

In accordance with section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifier is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

Reason

To comply with the provisions of the *Environmental Planning and Assessment Act 1979*.

7. COMPLIANCE WITH CONDITIONS OF CONSENT**Condition**

All conditions of this consent are to be complied with to the standards specified **prior** to any occupation.

Reason

To ensure the development proceeds in the manner as determined by Council.

PART F – OCCUPATION AND ONGOING USE**1. LOADING AND UNLOADING****Condition**

Loading and unloading of heavy vehicles is not to occur between the hours of 8.00am and 8.00pm Monday to Sunday; and

No parking or delivery activities are to take place on or from the Mitchell Highway (HW7) road reserve other than in legally created spaces for such purposes.

Reason

To satisfy the requirement of Bourke Shire Council and TfNSW.

2. USE NOT TO COMMENCE**Condition**

The approved use shall not commence until the proposed development has been completed in

accordance with this consent and issue of any other Council approvals which may be required

Reason

To ensure that the use of the site is lawful

3. HOURS OF OPERATION

Condition

The approved hours of operation are:

Day	Hours
<i>Monday to Sunday</i>	<i>8.00am-8.00pm</i>
<i>Public Holidays</i>	<i>9.00am to 6.00pm</i>
<i>Good Friday & Christmas Day</i>	<i>Closed</i>
<i>ANZAC Day</i>	<i>As per State Government regulations</i>

Note: Any variation to these hours will require Council consent via the lodgement of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.

Reason

To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.

4. ANNUAL FIRE SAFETY STATEMENT

Condition

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- a. shall deal with each essential fire safety measure in the building premises; and
- b. shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- a. shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- b. shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with section 89 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations 2021*

Reason

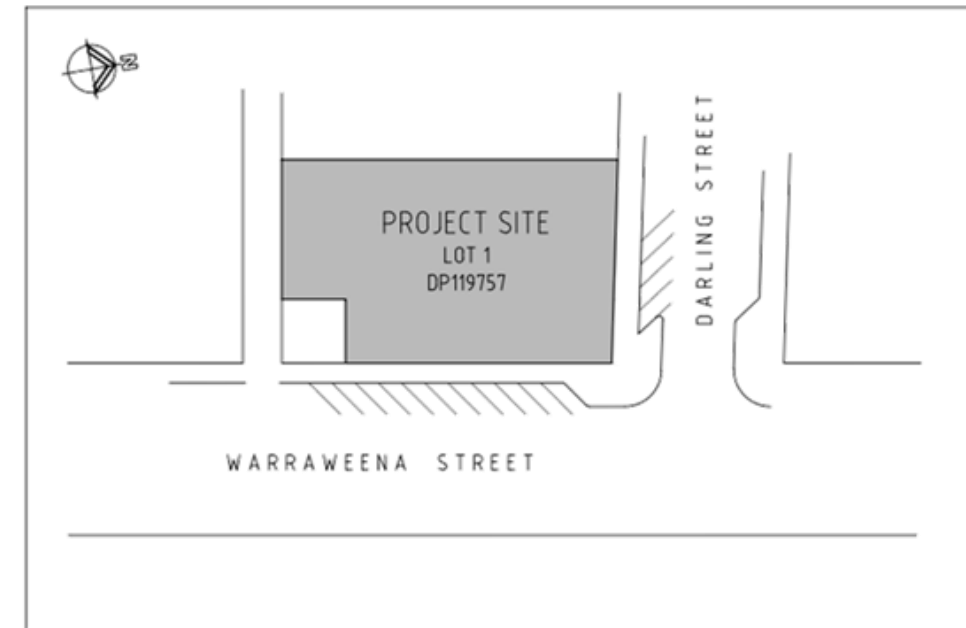
To ensure annual checks on fire safety measures and compliance with fire safety requirements Under the *Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021*.

SPAR SUPERMARKET - BOURKE

RE-CONSTRUCTION OF SUPER MARKET BUILDING No5 WARRAWEENA STREET, BOURKE. N.S.W.

DRAWING SCHEDULE

38292-A00	COVER SHEET & DRAWING SCHEDULE
38292-A01	DRAWING OMITTED
38292-A02	PROJECT SITE PLAN
38292-A03	FLOOR PLAN
38292-A04	ELEVATIONS
38292-A05	SECTIONS & FIRST FLOOR PLAN
38292-A06	VEHICLE MOVEMENTS



LOCALITY PLAN

SUBMISSION FOR DA



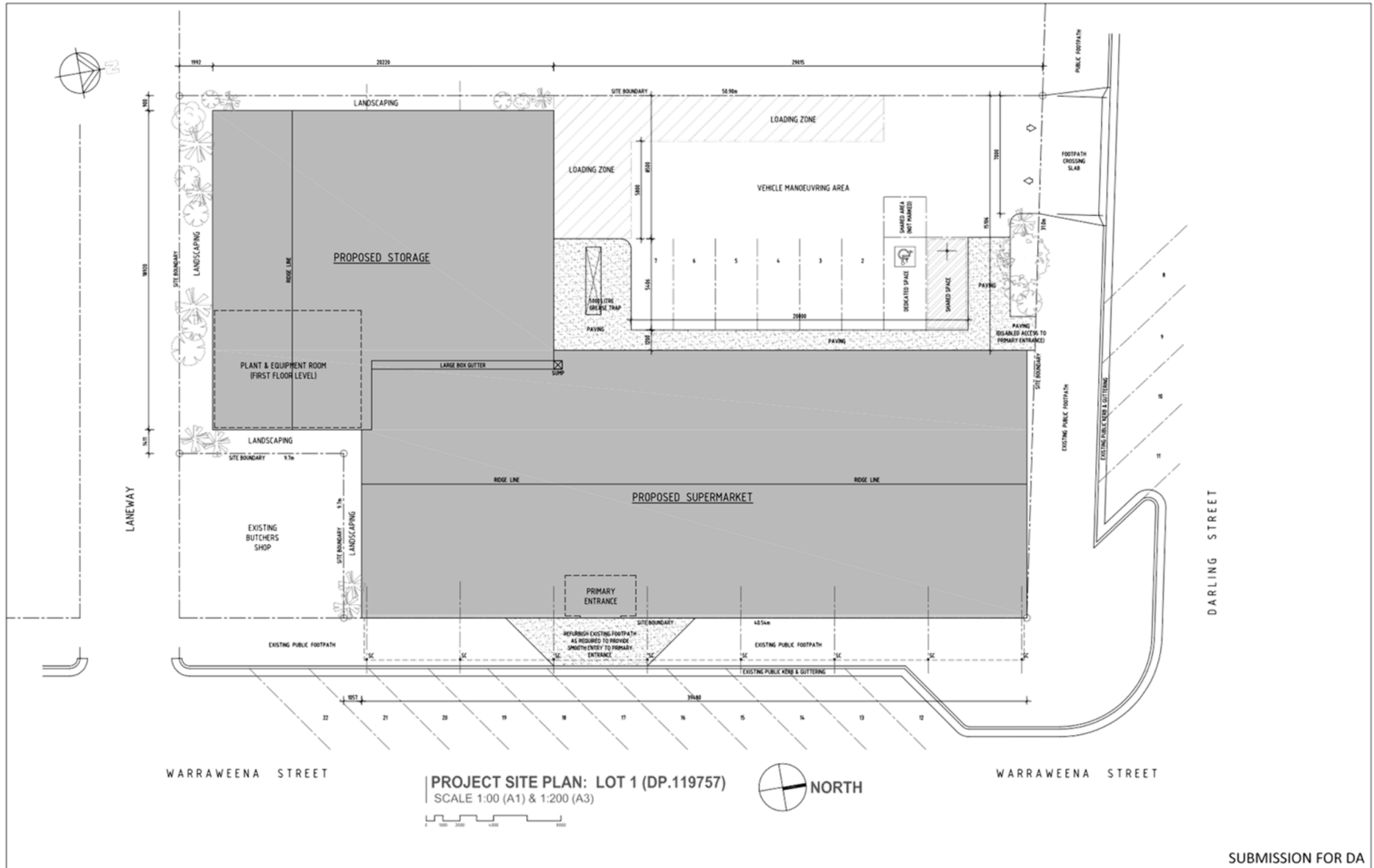
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Client: SPAR SUPERMARKET
 Project: RE-CONSTRUCTION OF SUPER MARKET BUILDING No5 WARRAWEENA STREET, BOURKE. N.S.W.
 Drawing Title: COVER SHEET & DRAWING SCHEDULE

Rev	Date	Amendment
A	24.02.2022	ISSUED FOR REVIEW
B	21.03.2022	SCHEDULE AMENDED. RE-ISSUED FOR REVIEW
C	23.03.2022	ISSUED FOR DEVELOPMENT APPLICATION

Design CLIENT	CERTIFICATION
Drawn LH	
Check KG	Drawing Number
Original Sheet Size = A1	38292-A00
	Revision
	C



PROJECT SITE PLAN: LOT 1 (DP.119757)
SCALE 1:100 (A1) & 1:200 (A3)



SUBMISSION FOR DA



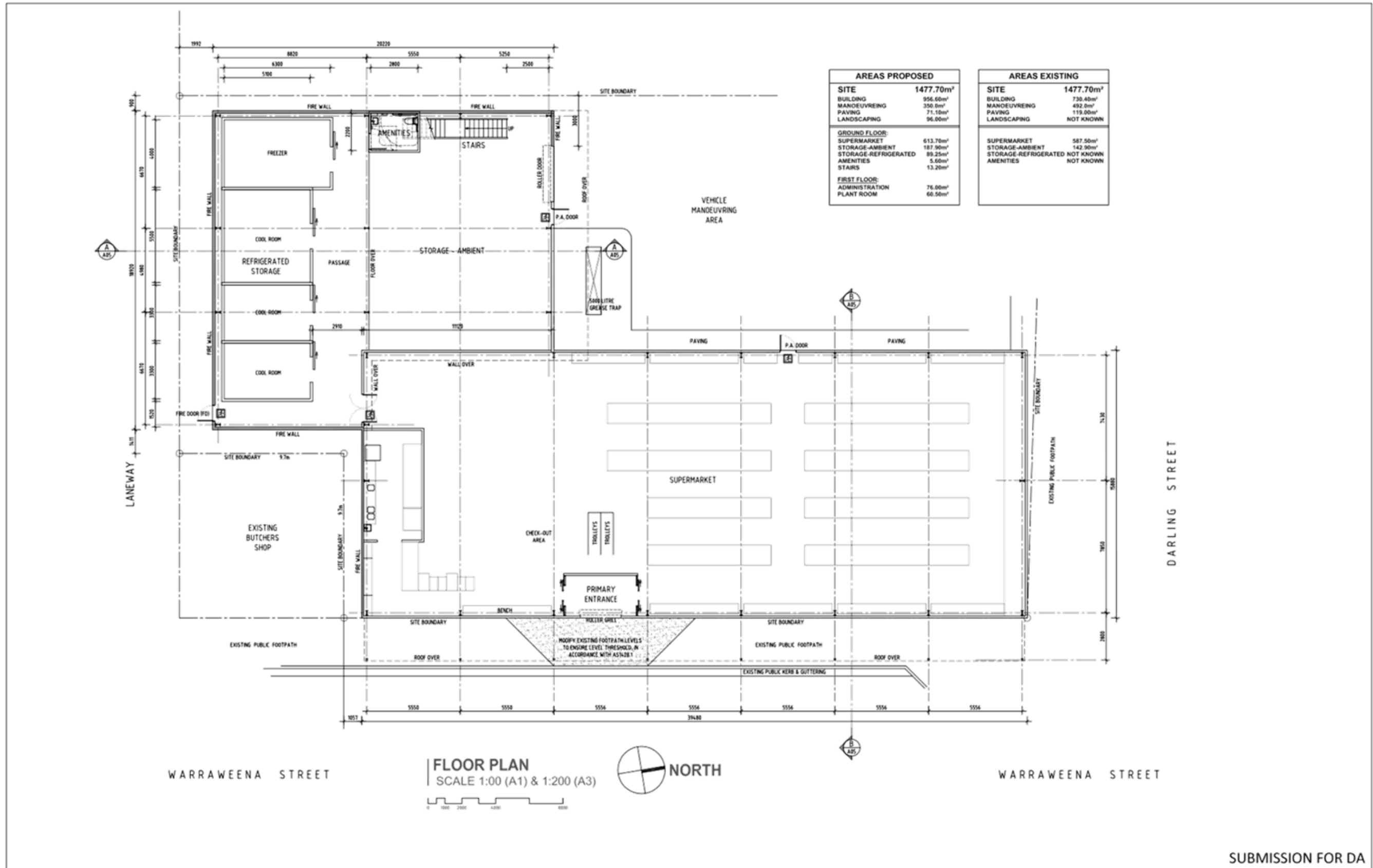
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Client: SPAR SUPERMARKET
 Project: RE-CONSTRUCTION OF SUPER MARKET BUILDING No5 WARRAWEENA STREET, BOURKE. N.S.W.
 Drawing Title: PROJECT SITE PLAN

Rev	Date	Amendment
A	24.02.2022	ISSUED FOR REVIEW
B	21.03.2022	DIMENSIONS ADDED
C	23.03.2022	ISSUED FOR DEVELOPMENT APPLICATION
D	28.03.2022	GREASE TRAP ADDED

Design CLIENT Certification
 Drawn LH
 Check KG Drawing Number 38292-A02
 Original Sheet Size = A1
 Revision D



FLOOR PLAN
SCALE 1:00 (A1) & 1:200 (A3)

SUBMISSION FOR DA



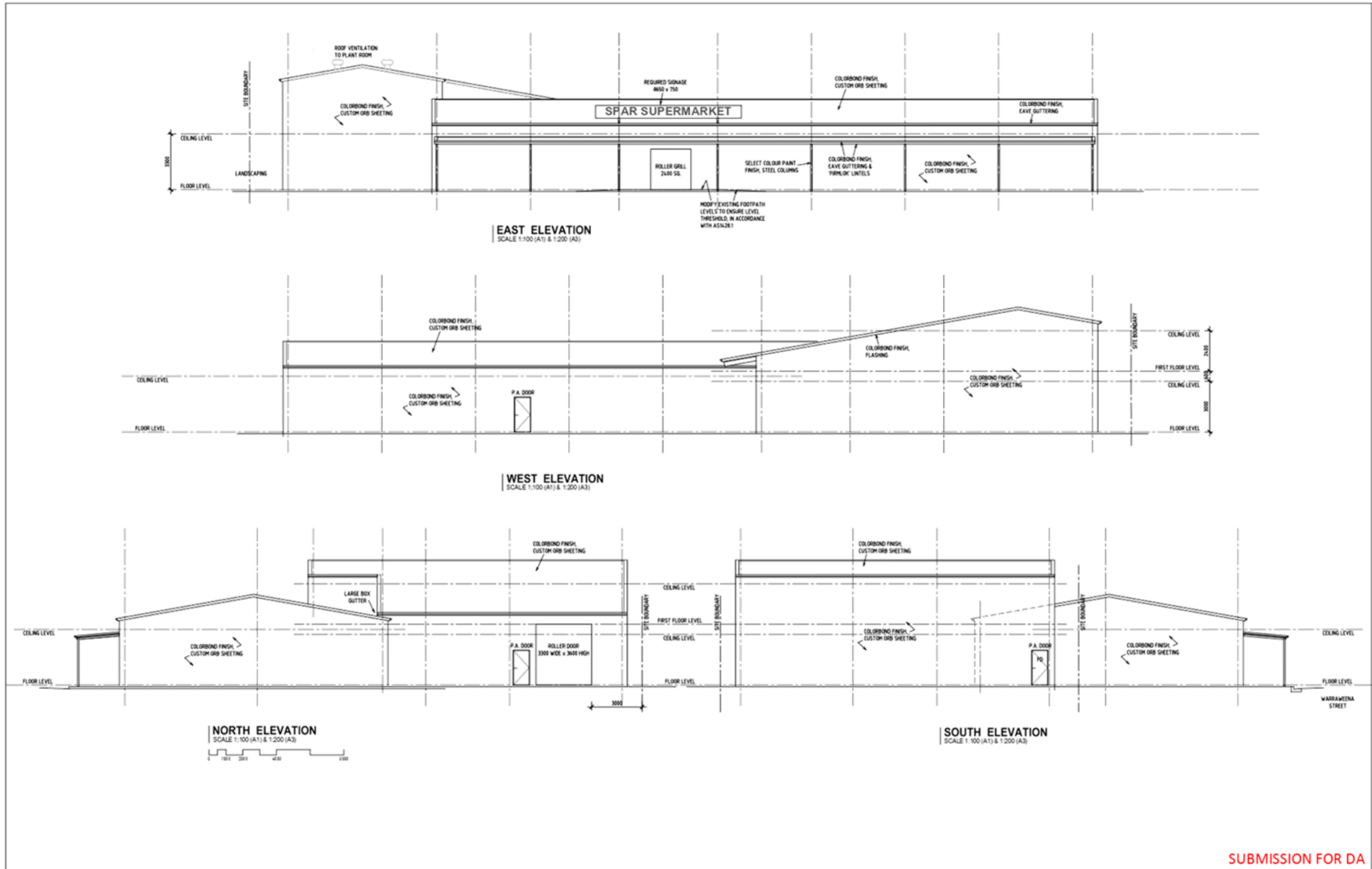
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Client: SPAR SUPERMARKET
 Project: RE-CONSTRUCTION OF SUPER MARKET BUILDING
 No5 WARRAWEENA STREET, BOURKE. N.S.W.
 Drawing Title: FLOOR PLAN

Rev	Date	Amendment
A	24.02.2022	ISSUED FOR REVIEW
B	28.02.2022	DIMENSIONS ADDED, ISSUED FOR REVIEW
C	21.03.2022	GENERALLY AMENDED, RE-ISSUED FOR REVIEW
D	23.03.2022	ISSUED FOR DEVELOPMENT APPLICATION
E	28.03.2022	GREASE TRAP ADDED

Design	CLIENT	Certification
Drawn	LH	
Check	KG	
Original Sheet Size = A1	38292-A03	Revision E



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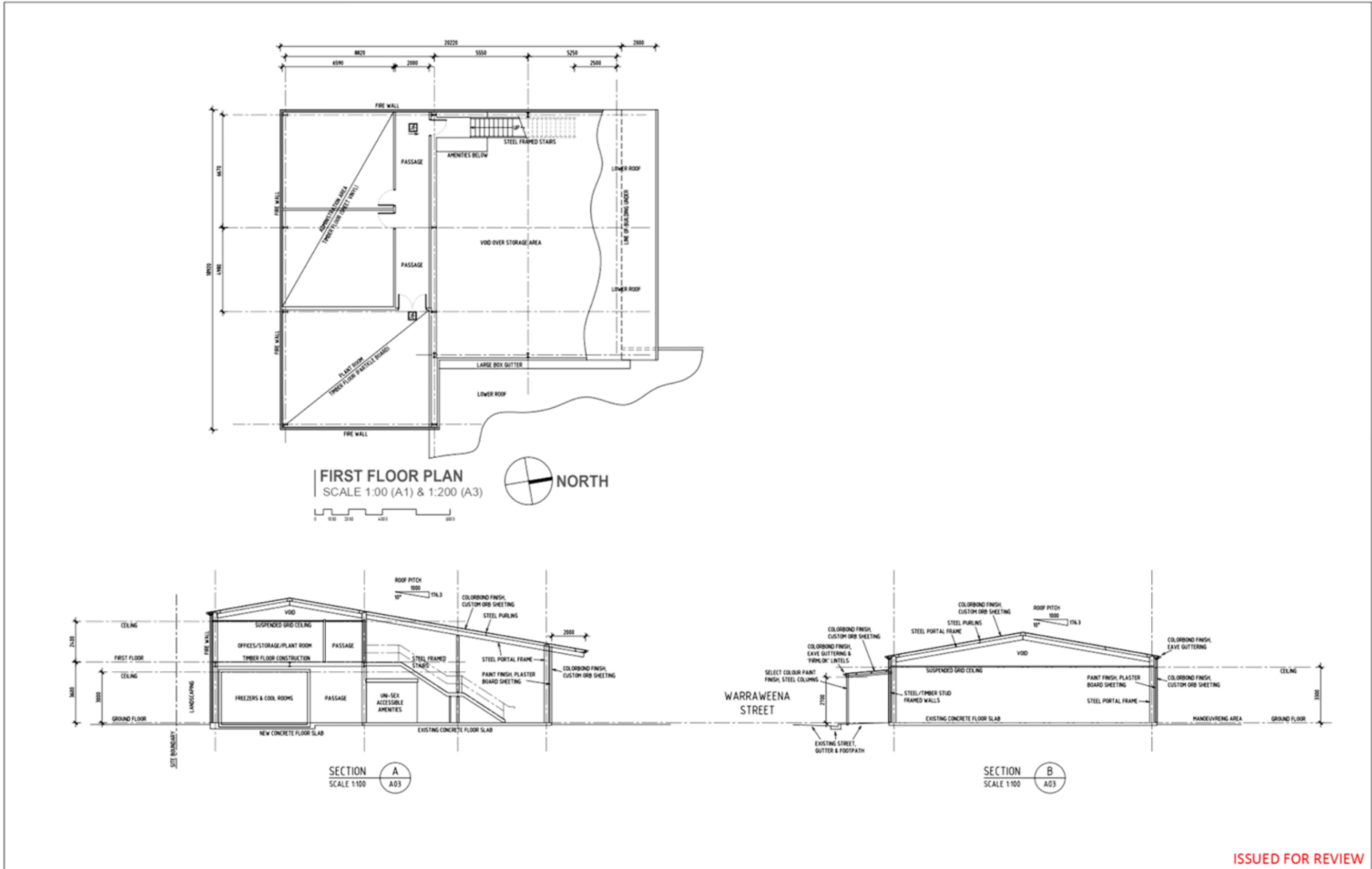
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Client: SPAR SUPERMARKET
 Project: RE-CONSTRUCTION OF SUPER MARKET BUILDING NO5 WARRAWEENA STREET, BOURKE. N.S.W.
 Drawing Title: ELEVATIONS

Rev	Date	Amendment
A	24.02.2022	ISSUED FOR REVIEW
B	21.03.2022	GENERALLY AMENDED
C	23.03.2022	ISSUED FOR DEVELOPMENT APPLICATION

Design	CLIENT	Certification
Drawn	LH	
Check	KG	Drawing Number
Original Sheet Size = A1		38292-A04
		Revision
		C



ISSUED FOR REVIEW



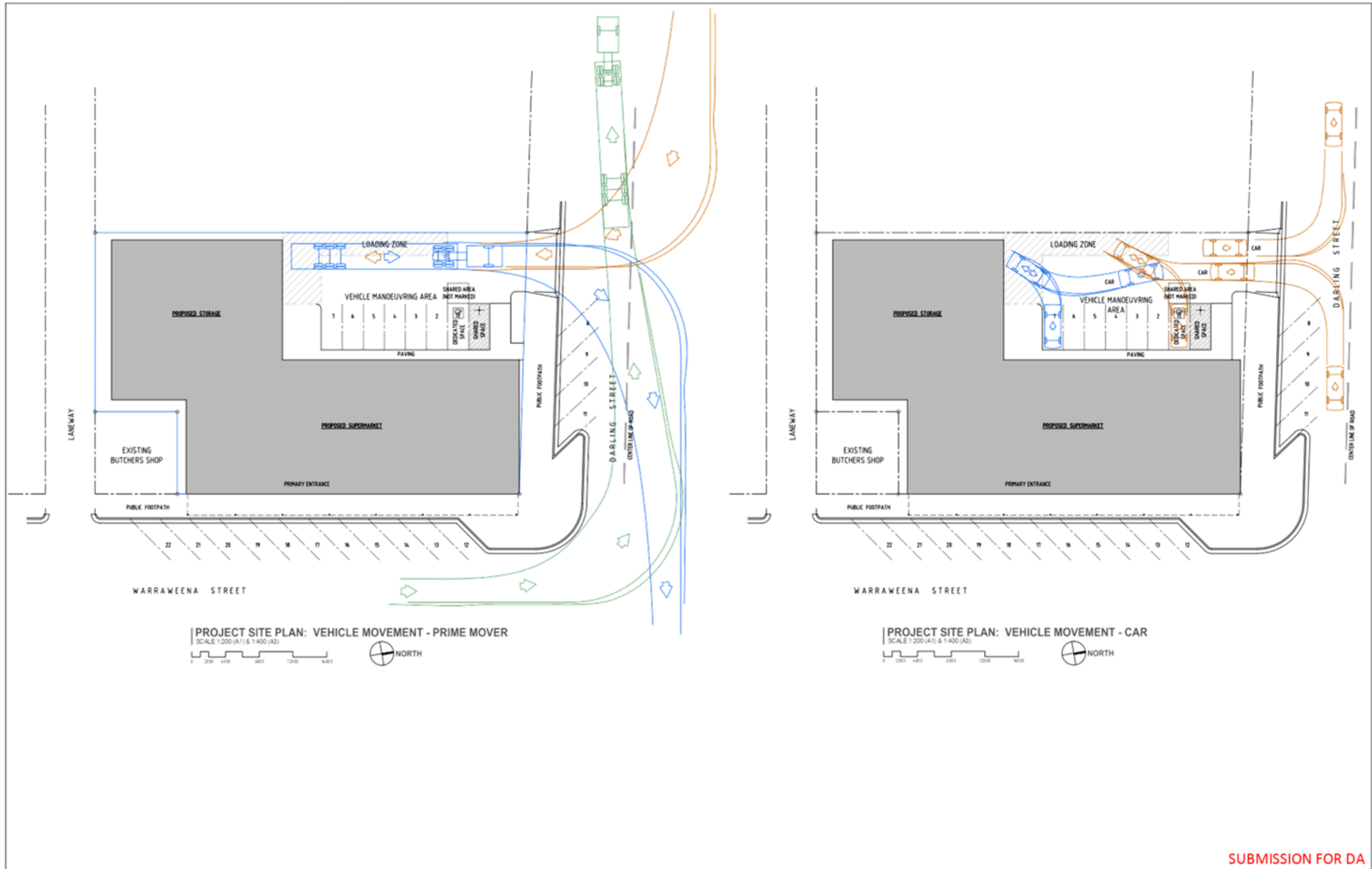
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Client: SPAR SUPERMARKET
 Project: RE-CONSTRUCTION OF SUPER MARKET BUILDING
 No5 WARRAWEENA STREET, BOURKE. N.S.W.
 Drawing Title: SECTIONS & FIRST FLOOR PLAN

Rev	Date	Amendment
A	24.02.2022	ISSUED FOR REVIEW
B	21.03.2022	GENERALLY AMENDED
C	23.03.2022	ISSUED FOR DEVELOPMENT APPLICATION

Design	CLIENT	Certification
Drawn	LH	
Check	KG	Drawing Number
Original Sheet	Size = A1	38292-A05
		Revision
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Client: SPAR SUPERMARKET
Project: RE-CONSTRUCTION OF SUPER MARKET BUILDING No5 WARRAWEENA STREET, BOURKE. N.S.W.
Drawing Title: VEHICLE MOVEMENTS

Rev	Date	Amendment
A	21.09.2022	ISSUED FOR REVIEW
B	23.09.2022	ISSUED FOR DEVELOPMENT APPLICATION

Design	CLIENT	Certification
Drawn	LH	
Check	KG	Drawing Number
Original Sheet Size = A1		38292-A06
		Revision
		B

15 GENERAL MANAGER**15.1 LOCAL GOVERNMENT NSW (LGNSW) ANNUAL CONFERENCE 23 TO 25 OCTOBER 2022**

File Number: L8.3-G2.2-M2.2
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

This conference is the annual policy making event for NSW general purpose Councils and associate members. It is the pre-eminent event of the Local Government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

Bourke Shire Council attends the Annual Conference each year, with the Mayor, General Manager and available Councillors being in attendance.

Current Situation

The next LGNSW Annual Conference will be held at the Crowne Plaza Hunter Valley, Pokolbin from 23 to 25 October 2022.

Financial Implications

The attendance at the Conference would be met from existing budgetary allocations and will involve registration, travel and accommodation.

Recommendation

- 1. That the Mayor and General Manager attend the LGNSW Annual Conference to be held 23 to 25 October 2022.**
- 2. That Councillors who wish to attend the LGNSW Annual Conference to be held 23 to 25 October 2022 nominate prior to August 2022.**

16 CORPORATE SERVICES DEPARTMENT**16.1 *** BANK RECONCILIATION & STATEMENT OF BANK BALANCES**

File Number: F1.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Bank Reconciliation for the period ending 30 April 2022

Balances as per Bank Statement	\$1,073,716.55
Plus: Deposit not shown	\$0.00
Less: Unpresented Cheques	\$34,711.79
Balance as per Cash Book	\$1,039,004.76

Reconciled Ledger Accounts as at 30 April 2022

Fund or Account	Current Balance	Overdraft Statutory Limit
General	\$22,006,104.54	\$200,000.00
Water	\$2,390,318.39	
Sewer	\$2,746,173.90	
Trust	\$125,760.66	
	\$27,268,357.49	

Investments as at 30 April 2022

National Australia Bank	\$1,084,474.56	0.35%	367 Days	A1+
National Australia Bank	\$456,379.79	0.07%	360 Days	A1+
National Australia Bank	\$3,025,633.12	0.35%	365 Days	A1+
National Australia Bank	\$1,102,965.00	0.35%	365 Days	A1+
National Australia Bank	\$2,010,054.80	0.46%	182 Days	A1+
National Australia Bank	\$2,008,219.18	0.36%	365 Days	A1+
National Australia Bank	\$1,158,167.48	0.55%	365 Days	A1+
National Australia Bank	\$676,193.12	0.33%	330 Days	A1+
National Australia Bank	\$3,106,731.89	0.04%	365 Days	A1+
National Australia Bank	\$3,065,270.42	0.07%	360 Days	A1+
National Australia Bank	\$704,706.26	0.04%	360 Days	A1+
National Australia Bank	\$1,730,366.78	0.32%	300 Days	A1+
National Australia Bank	\$1,502,071.24	1.07%	272 Days	A1+
National Australia Bank	\$4,598,119.09	Flex		
Total Investments	\$26,229,352.73			

In accordance with Clause 212 of the Local Government Act (General) Regulation 2005 it is certified that the above investments have been made under Sec 625 of the Local Government Act and Council's Investment Policy.

Reconciliation at 30 April 2022

Balance as per cash book	\$1,039,004.76
Investments	\$26,229,352.73
Total, equalling Reconciled Ledger	\$27,268,357.49

Statement of Bank Balances as at 30 April 2022

	Balance	Transaction	Balance
	31 March 2022		30 April 2022
General Fund	\$13,941,417.51	\$8,064,687.03	\$22,006,104.54
Water Fund	\$2,492,376.22	-\$102,057.83	\$2,390,318.39
Sewer Fund	\$7,770,921.45	-\$5,024,747.55	\$2,746,173.90
Trust Fund	\$122,464.66	\$3,296.00	\$125,760.66
Investments	-\$23,335,312.70	-\$2,894,040.03	-\$26,229,352.73
Totals	\$991,867.14	\$47,137.62	\$1,039,004.76

Balance of all Funds as at 30 April 2022

Balance as at 30 March 2022	\$991,867.14
Add Receipts for	
(a) Rates	\$108,778.06
(b) Other Cash	\$3,097,744.55
Deduct payments for	
(a) Payments	\$7,657,858.00
(b) New Investment	-\$4,498,473.01
Balance as at 30 April 2022	\$1,039,004.76

Recommendation

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 April 2022 be noted.

16.2 * INVESTMENT REPORT AS AT 30 APRIL 2022**

File Number: F1.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The investment report is submitted monthly to Council.

Issues

- Investments are in accordance with Division of Local Government Guidelines and Council's Investment Policy
- Statutory obligations are being met
- Councillors' roles as resource allocators and policy directors are satisfied

Assessment**Legal Implications Including Directives and Guidelines**

Local Government Act 1993

Local Government (General) Regulation 2005

The management, of Council's investments is delegated by the General Manager to the Manager Corporate Services.

Financial Implications/Consideration

The 2021/22 Budget estimated the total investment revenue as \$290,000 which represents an estimated return of .25%. During the budget review process at the end of March 2022, this estimate was reducing to \$235,000 for the year. This revenue was split proportionally across General, Water and Sewer Funds and changes on a monthly basis in accordance with cash flow requirements.

The market value of Council's investments held as at 30 April 2022 is \$26,229,352.73

Investment income earned as at 30 April 2022 is \$100,210.56

Policy Provisions – Council Policy and Procedure

Policy 1.8.10(v5) – Investment Policy adopted 23 July 2020.

Ministerial Investment Order – 12 January 2011

Strategic Implications – Implications for Long Term Plans/Targets

Funds are invested in accordance with identified cash flow requirements.

Investment Portfolio

Investments as at 30 April 2022

National Australia Bank	\$1,084,474.56	0.35%	367 Days	A1+
National Australia Bank	\$456,379.79	0.07%	360 Days	A1+
National Australia Bank	\$3,025,633.12	0.35%	365 Days	A1+
National Australia Bank	\$1,102,965.00	0.35%	365 Days	A1+
National Australia Bank	\$2,010,054.80	0.46%	182 Days	A1+
National Australia Bank	\$2,008,219.18	0.36%	365 Days	A1+
National Australia Bank	\$1,158,167.48	0.55%	365 Days	A1+
National Australia Bank	\$676,193.12	0.33%	330 Days	A1+
National Australia Bank	\$3,106,731.89	0.04%	365 Days	A1+
National Australia Bank	\$3,065,270.42	0.07%	360 Days	A1+
National Australia Bank	\$704,706.26	0.04%	360 Days	A1+
National Australia Bank	\$1,725,827.62	0.32%	300 Days	A1+
National Australia Bank	\$1,502,071.24	0.52%	181 Days	A1+
National Australia Bank	\$4,598,119.09	Flex		
Total Investments	\$26,229,352.73			

Term Deposits

Discussions/Comments

The Investment portfolio increased by \$2,894,040.03 during the period.

The investment portfolio is invested in term deposits with the National Australia Bank. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk.

The Government Guarantee on Investments up to \$1 million dollars has now expired and the new cap of \$250,000 has replaced the scheme.



Certification – Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council’s Investment Policy.

Recommendation

- 1. That the report regarding Council’s Investment Portfolio 30 April 2022 be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

16.3 * RISK MANAGEMENT AND INTERNAL AUDIT FRAMEWORK FOR COUNCILS**

File Number: R5.1
Author: Leonie Brown, Manager of Corporate Services
Authoriser: Mark Riley, General Manager
Attachments: 1. ARIC Terms of Reference  

Background

The purpose of this report is for Council to be made aware of the requirements for all Councils and Joint Organisations to establish an Audit, Risk and Improvement Committee as detailed in section 428 Of the Local Government Act 1993 (the Act).

Section 428B of the Act provides for the establishment of shared Committee Members.

With this in mind it is proposed that the Far North West Joint Organisation (FNWJO) and all member Councils participate in a shared Committee which will be appointed by FNWJO and service the FNWJO and its three (3) member Councils.

Current Situation

Section 428A of the Local Government Act 1993 requires Councils to have Audit, Risk and Improvement Committee (ARIC) to independently review and advise on the following areas of Councils operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the council
- and any other matter prescribed by regulation

The ARIC must develop a strategic plan every four years and must develop an annual work plan. A report must be provided to Council after every committee meeting detailing its opinion and activities. A quarterly report must be provided to Council – the content to be determined by Council. The ARIC must also provide an annual assessment.

The establishment of a Shared Committee is seen as a way of reducing costs but retaining the ability to attract suitability qualified and skilled persons to be part of the committee given that the draft guidelines will be reasonably prescriptive in this regard.

Composition of Committee

All FNWJO member Councils and the FNWJO itself, are tier one general purpose Councils i.e. population less than 20,000 and predominately rural in nature.

Under the proposed guidelines, tier one Councils are required to have as a minimum:

- Three independent voting members, and a Chair who must be prequalified under the NSW Government Scheme. Two voting committee members (who are not required to be prequalified) are required to meet independence requirements, and eligibility requirements.
- One non-voting Councillor, who must also have the appropriate experience and exposure to business operations.

At this stage, Council does not have access to the prequalification scheme and as such need not have a pre-qualified chairperson.

Core Requirement 2 – Risk Management

Each Council and Joint Organisation must implement a risk management framework that is consistent with current Australian Standards for Risk Management.

Councils risk management framework must demonstrate the following six elements:

1. Leadership and commitment: - management must demonstrate strong leadership.
2. Integration: - risk must be managed in every part of Council's operations.
3. Design: - the design must be structured to meet Council's needs.
4. Implementation: - risk management activities must be understood and practiced.
5. Evaluation: - Councils must regularly evaluate the framework to ensure relevance.
6. Improvement: - each Council must continually adapt and improve the design of the framework

Councils must provide sufficient resources to deliver and implement the risk management framework. Councils provide strategic leadership, the General Manager operational leadership, and Internal Audit Function, provides review and assurance and the ARIC provides advice and assurance.

Core Requirement 3 – Internal Audit

Each Council must have an independent internal audit function that reports to the ARIC and is consistent with current international standards for internal audit.

The Councils internal audit function must operate independently of the Council and cannot be subject to direction by Council. It reports administratively to the General Manager and functionally to the ARIC.

Each Council must have a head of in-house internal audit function. This must be a Council employee and cannot be outsourced, other than through a shared arrangement with another Council, and meet the eligibility and independence criteria for the position.

Internal audit documents can be accessed by the governing body (Council), subject to the approval of the Chair of the committee.

Councils are required to have an ARIC of some type by June 2022 and will then have two years, until 30 June 2024 to comply with the risk management and internal audit requirements under the guidelines, and five years to comply with the audit, risk and improvement committee requirements.

Advice to the FNWJO has been that the establishment of the committee proposed would be regarded as part of the implementation phase.

Legal Framework

Section 428B of the Local Government Act provides as follows:

A council may enter into an arrangement with another council, or a body prescribed by the regulations for the purposes of this section, to jointly appoint an Audit, Risk and Improvement Committee to exercise functions for more than one council or body.

Section 355 of the Local Government Act details how Councils can exercise their functions

355 How a council may exercise functions

A function of a council may, subject to this Chapter, be exercised—

(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or

(b) by a committee of the council, or

(c) partly or jointly by the council and another person or persons, or

(d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or

(e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

Section 377 of the Local Government Act details the ability of Councils to Delegate

377 General power of the council to delegate

1. 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 land under Division 1 of 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 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 the holder of a civic office,*
 - (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.*
- 1A. 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, and*
 - (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, and*
 - (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, and*
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.*
- 2. A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.*
- 3. A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the Joint Organisation.*

Additionally, the proposed guidelines provide for the establishment of a (ARIC) by a Joint Organisation which may be shared with the member Councils.

It is important to note that the Guidelines are yet to be adopted, however, given they will be at some stage in the not too distant future it would be prudent to utilise the guidelines as the basis on which to establish a committee.

The guidelines are some 116 pages in length and cover a wide variety of provisions in relation to establishment and operation of an ARIC.

Financial Implications

It is difficult to accurately determine the actual cost for each Council as it will depend, in part, where each of the committee members are located and travel costs involved.

A figure of around \$10,000 per annum for each Council and the JO is seen as an indicative budgetary figure which would include the fees and estimated travel costs together with some of the secretarial work associated with the committee.

This figure does not include all staff time nor does it include the cost involved in the appointment of an internal auditor who will need to be appointed in 2024 under the current guidelines.

Recommendation

- 1. That Council join with the Far North West Joint Organisation and its member Councils in establishing a Shared Audit Risk and Improvement Committee in accordance with section 428B of the Local Government Act 1993.**
- 2. That Council delegate authority to the Far North West Joint Organisation to appoint the chair and two (2) independent members to form the shared Audit Risk And Improvement Committee to serve the Far North West Joint Organisation and all three member Councils.**
- 3. That Council appoint a Councillor to serve as the non-voting board member on the ARIC for this Council only.**
- 4. That Council adopt the Draft Terms of Reference developed for the operation of the Audit Risk and Improvement noting the initial revised term to cater for the shorter period to be served by the current Council and the fact that there is no current need for the Chair to be pre-qualified at this stage.**
- 5. That Council note the Expression of Interest document developed by the Far North West Joint Organisation for distribution to potential applicants for persons to serve as the Chair or one of the two (2) independent Committee Members including the fees payable to the Chair and Committee members.**
- 6. That applications as detailed in the Expression of Interest document be called for by the placement of advertisements in the local papers circulating in each of the towns within the FNWJO area together with the websites of each of the member Councils to provide local residents the opportunity to apply to become a member of the Shared Committee if they are suitably qualified and wish to apply.**

TERMS OF REFERENCE	AUDIT, RISK AND IMPROVEMENT COMMITTEE	
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1.0 Introduction

- 1.1 The Audit, Risk and Improvement Committee has been established in accordance with Section 428A of the *Local Government Act 1993* and Clauses (insert clauses when established) of the Local Government (General) Regulation 2021.
- 1.2 These Terms of Reference set out the ARIC’s objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2.0 Definitions

- 2.1 “Act” means the *Local Government Act 1993*
- 2.2 “ARIC” means Audit Risk and Improvement Committee
- 2.3 “Council” means Bourke Shire Council
- 2.4 “Governing body” means the elected officials of Bourke Shire Council
- 2.5 “Guidelines” means the *Risk Management and Internal Audit for local councils in NSW Guidelines*, as amended.
- 2.6 “IP&R” means Integrated Planning and Reporting
- 2.7 “Internal Audit” means the independent, objective approach receive independent assurance that Council is performing its functions legally, effectively and efficiently and to advise on how it can improve its performance.

3.0 Independence

- 3.1 The ARIC is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and provide Council with robust, objective and unbiased advice and assurance.
- 3.2 The ARIC is to provide an advisory and assurance role only and is to have no administrative function, delegated financial responsibility or any management functions of the Council.
- 3.3 The ARIC will provide independent advice to the Council that is informed by the Council’s internal audit and risk management activities and information and advice provided by Council staff, relevant external bodies and subject matter experts.
- 3.4 The ARIC must at all times ensure it maintains a direct reporting line to and from the Council’s internal audit function and act as a mechanism for internal audit to report to the governing body and General Manager on matters affecting the performance of the internal audit function.

4.0 Authority

4.1 Council authorises the ARIC, for the purposes of exercising its role and responsibilities, to:

- 4.1.1 Access any information it needs from the Council
- 4.1.2 Use any Council resources it needs
- 4.1.3 Have direct and unrestricted access to the General Manager and senior management of the Council
- 4.1.4 Seek the General Manager's permission to meet with any other Council staff member or contractor
- 4.1.5 Discuss any matters with the external auditor or other external parties
- 4.1.6 Request the attendance of any employee at committee meetings
- 4.1.7 Obtain external legal and professional advice within the budget set for such expenses for the ARIC.

4.2 Information and documents pertaining to the ARIC are confidential and are not to be made publicly available. The ARIC may only release Council information to external parties that are required to assist with the ARIC fulfilling its responsibilities with the approval of the Governance Coordinator, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4.3 Clause 4.2 does not limit or extinguish Council's responsibilities under the *Government Information (Public Access) Act 2009* and requests to access the information from members of the public should be subject to the public interest test applicable under that legislation.

5.0 Composition and Tenure

5.1 The Committee will consist of one independent prequalified, voting Chair, two independent voting members and one non-voting councillor member.

5.2 The Council is to appoint the Chair and members of the Committee by resolution.

5.3 All committee members are to meet the independence and eligibility criteria prescribed in the Guidelines at the time of their appointment and at all times during their tenure.

5.4 The term of members, including the Chair, will be no less than three years and no more than four years on a staggered basis to ensure continuity of independent membership is maintained. Members can be reappointed for a further term but the total period of continuous membership cannot exceed eight years.

- 5.5 The non-voting councillor member will be appointed at the beginning of each term and hold a position for a duration of not less than one year and not more than the length of the Council term. The total period of continuous membership cannot exceed eight years.
- 5.6 Members who have served an eight-year term (either as a member or a Chair) must have a two-year break from serving on the ARIC before being appointed again.
- 5.7 To preserve the ARIC's knowledge of Council, ideally, no more than one member should leave the ARIC because of rotation on any one year.
- 5.8 Specific member terms and conditions are to be disclosed in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their ARIC responsibilities.
- 5.9 Prior to approving the reappointment or extension of the Chair's or an independent member's term, the Council is to undertake an assessment of their performance. Reappointment will also be subject to the individual still meeting independence and eligibility requirements.
- 5.10 Members of the Committee are to possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of Council, the environment in which Council operates and the contribution that the ARIC makes to the Council.
- 5.11 At least one member of the ARIC must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment.
- 5.12 All members should have sufficient understanding of the Council's financial reporting responsibilities to be able to contribute to the ARIC's consideration of the annual financial statements.

6.0 Role

- 6.1 In accordance with Section 428A of the Act, the role of the ARIC is to keep under review and provide independent advice to the Council regarding the following aspects of the Council's operations:
 - 6.1.1 Compliance
 - 6.1.2 Risk management
 - 6.1.3 Fraud control
 - 6.1.4 Financial management
 - 6.1.5 Governance
 - 6.1.6 Implementation of the strategic plan, delivery program and strategies

- 6.1.7 Service reviews
- 6.1.8 Collection of performance measurement data by the Council
- 6.1.9 Any other matters prescribed by the regulation

- 6.2 The ARIC must also provide information to the Council for the purpose of improving Council's performance of its functions.
- 6.3 The ARIC's specific audit, risk and improvement responsibilities, pursuant to Section 428A of the Act are outlined in **Schedule 1**.
- 6.4 The ARIC will comply with the specific implementation timeframes for these responsibilities as provided for by the Office of Local Government.
- 6.5 The ARIC will act as a forum for the Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.
- 6.6 The ARIC will have no power of direction over external audit or the manner in which the external audit is planned or undertaken but will act as a forum for the consideration of external audit findings.
- 6.7 The ARIC is directly accountable to the governing body of the Council for the exercise of its responsibilities and must at all times recognise that the primary responsibility for the management of the Council rests with the governing body and the General Manager.
- 6.8 The responsibilities of the ARIC may be revised or expanded in consultation with, or as requested by, the governing body of the Council from time to time.

7.0 Independent Member responsibilities

- 7.1 The Chair and members of the ARIC are expected to understand and observe the requirements of the Guidelines as attached as **Schedule 2**.
- 7.2 Independent Members are also expected to:
 - 7.2.1 Make themselves available as required to attend and participate in meetings
 - 7.2.2 Contribute the time needed to review and understand information provided to it
 - 7.2.3 Apply good analytical skills, objectivity and judgement
 - 7.2.4 Act in the best interests of the Council
 - 7.2.5 Have the personal courage to raise and deal with tough issues, express opinions respectfully and frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
 - 7.2.6 Maintain effective working relationships with the Council
- 7.3 In addition to those expectations listed in 7.2, the Chair is expected to:

- 7.3.1 Have strong leadership qualities
- 7.3.2 Ability to lead effective meetings
- 7.3.3 Oversee the Council's internal audit function

8.0 Councillor Members

- 8.1 To preserve the independence of the ARIC, the Councillor member is a non-voting member. Their role is to:
 - 8.1.1 Relay to the ARIC any concerns the governing body may have regarding the Council and issues being considered by the ARIC
 - 8.1.2 Provide insights into local issues and the strategic priorities of the Council that would add value to the ARIC's consideration of agenda items
 - 8.1.3 Advise the governing body (as necessary) of the work of the ARIC and any issues arising from it, and
 - 8.1.4 Assist the governing body to review the performance of the ARIC.
- 8.2 Issues or information the Councillor Member raises with or provides to the ARIC must relate to the matters listed in **Schedule 1** and issues being considered by the ARIC.
- 8.3 The Councillor Member must conduct themselves in a non-partisan and professional manner and not engage in any conduct that seeks to politicise the activities of the ARIC or the internal function or that could be seen to do so.

9.0 Conduct

- 9.1 All members of the ARIC are required to comply with the Council's Code of Conduct and be held to the same ethical, behavioural and conduct standards as Council Officials.
- 9.2 Complaints in relation to alleged breaches of the Code of Conduct will be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The General Manager must consult with the governing body prior to undertaking any disciplinary action against an independent member in response to a breach of the Council's Code of Conduct.
- 9.3 Prequalified ARIC members are also required to comply with the code of conduct governing the NSW Government's *Audit and Risk Committee Independent Chairs and members Prequalification Scheme*.

10.0 Conflicts of Interest

- 10.1 Once a year, ARIC members will provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the ARIC.
- 10.2 ARIC members are also 'designated persons' and must complete and submit returns of interest.
- 10.3 ARIC members and observers must declare any pecuniary or non-pecuniary conflicts of interest they have at the start of each meeting, before discussion of the relevant agenda item or issue and when the issue arises and should be managed in accordance with Council's Code of Conduct.
- 10.4 Declared conflicts of interest, and whether an ARIC member has left the meeting, will be minuted.

11.0 Standards

- 11.1 ARIC members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and the current Australian risk management standard, where applicable.

12.0 Workplans

- 12.1 The work of the ARIC is to be thoroughly planned and executed to ensure that all activities and functions are reviewed.
- 12.2 The ARIC must develop a strategic plan every four years to ensure that all matters listed in **Schedule 1** are reviewed by the ARIC and the internal audit function over each Council term. The strategic plan must be reviewed annually to ensure it remains current.
- 12.3 The ARIC may, in consultation with the Council's governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the ARIC to approve a variation to the strategic work plan. However, any decision to vary the strategic work plan must be made by the ARIC.
- 12.4 The ARIC must also develop an annual workplan to guide its work, and the work of Internal Audit, over the forward year.
- 12.5 The ARIC may, in consultation with the Council's governing body, vary the annual work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the ARIC to approve a variation to the strategic work plan. However, any decision to vary the strategic work plan must be made by the ARIC.

- 12.6 When considering whether to vary the strategic or annual work plans, the ARIC must have regard for the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the workplan.

13.0 Assurance Reporting

- 13.1 The ARIC will provide an update to the governing body and the General Manager of its activities and opinions after every meeting.
- 13.2 The update will keep the governing body informed of matters considered by the ARIC and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.
- 13.3 The ARIC will provide an annual assessment to the governing body and General Manager each year on the ARIC's work and its opinion on how Council is performing.
- 13.4 The ARIC will provide a comprehensive assessment every council term of all the matters listed in **Schedule 1** to the governing body and General Manager.
- 13.5 The ARIC may, at any time, report to the governing body or General Manager on any other matter it deems of sufficient importance. If the ARIC intends to report directly to the governing body, they first need to notify the General Manager of this.
- 13.6 The Mayor and the Chair of the ARIC may also meet at any time to discuss issues relating to the work of the ARIC.
- 13.7 Should the governing body require additional information, a request for the information may be made to the Chair by resolution. The Chair may also provide the information requested by the governing body where the Chair is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the *Local Government Act 1993*. Individual councillors are not entitled to request or receive information from the ARIC.

14.0 Meetings

- 14.1 The ARIC will meet at least four (4) times per year, with one special meeting to review the Council's financial statements.
- 14.2 The ARIC can hold additional meetings when significant unexpected issues arise or if the Chair is asked to hold an additional meeting by an ARIC member, the General Manager or the governing body.

- 14.3 ARIC meetings can be held in person, by telephone or videoconference. Proxies are not permitted if a member is unable to attend a meeting.
- 14.4 A quorum will consist of a majority of voting members. Where the vote is tied, the Chair has the casting vote.
- 14.5 The Chair of the ARIC will decide the agenda for each meeting. Each meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the ARIC.
- 14.6 The General Manager and Governance Coordinator are to attend meetings as non-voting observers. The external auditor (or their representative) is to be invited to each meeting as an independent observer.
- 14.7 The Chair can request the Council's Finance Manager, senior managers, any councillors, any employee or contractor of the council and any subject matter expert to attend meetings. These individuals must attend and provide any information requested, where possible.
- 14.8 Observers have no voting rights and can be excluded from a meeting by the Chair at any time.
- 14.9 The ARIC may hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the ARIC present.

15.0 Voting

- 14.1 Voting at a meeting of the ARIC is to be by open means, such as by voice or a show of hands.

16.0 Dispute Resolution

- 16.1 Members of the ARIC and Council's management should maintain an effective working relationship and seek to resolve any difference they may have directly in an amicable and professional way via discussion and negotiation.
- 16.2 In the event of a disagreement between the ARIC and the General Manager or other senior managers, the dispute is to be resolved by the governing body.
- 16.3 Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Secretary of the Department of Planning, Industry and Environment in writing.

17.0 Secretariat

- 17.1 The General Manager will appoint a Council employee to provide secretariat support to the ARIC.

17.2 The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the Chair at least two (2) weeks before the meeting and ensure that minutes of meetings are prepared and maintained.

17.3 Minutes must be approved by the Chair and circulated within two (2) weeks of the meeting to each member.

18.0 Resignation and dismissal of members

18.1 Where the Chair or a member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give three (3) months notice to the Chair and governing body prior to their resignation to enable the Council to ensure a smooth transition to a new ARIC member.

18.2 The position of a councillor member on the ARIC can be terminated at any time by the governing body via resolution.

18.3 Temporary vacancies that occur on the ARIC affecting the quorum may be filled by a suitably qualified person, appointed by the General Manager, following consultation with the ARIC chairperson and/or Councillor member on the ARIC.

18.4 The governing body can terminate, via resolution, the engagement of any Chair or independent member before the expiry of their term where the individual has:

18.4.1 Breached the conditions or, or become ineligible under, the NSW Government's *Audit and Risk Committee Independent Chairs and Members Prequalification Scheme*

18.4.2 Breached the Council's Code of Conduct

18.4.3 Performed unsatisfactorily or not to expectations

18.4.4 Been declared bankrupt or found to be insolvent

18.4.5 Experienced an adverse change in business status

18.4.6 Been proven to be in a serious breach of their obligations under any legislation, or

18.4.7 Declared, or is found to be in, a position of a conflict of interest which is unresolvable.

19.0 Review Arrangements

19.1 At least once every council term the governing body must conduct an external review of the effectiveness of the ARIC.

19.2 This Terms of Reference is to be reviewed annually by the ARIC and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

HISTORY

Terms of Reference drafted by	Governance	
Terms of Reference reviewed by Managers' Meeting	[Date]	
Terms of Reference reviewed by Manex	[Date]	
Terms of Reference reviewed by ARIC	[Date]	
Council Resolution Number, if applicable	[Date]	
Date of Adoption	[Date]	
Review Date	[Date]	
This Terms of Reference works in conjunction with these polices	[Policy Name]	[Records Manager No]
This Terms of Reference works in conjunction with these procedures:	[Procedure Name]	[Records Manager No]

Schedule 1: Audit, Risk and Improvement Committee Responsibilities

Audit*Internal audit*

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, General Manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - On whether the Council is providing the resources necessary to successfully deliver the internal audit function
 - If the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - If the Council's Internal Audit Charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - Of the strategic four-year plan and annual work plan of internal audits to be undertaken by the Council's internal audit function
 - If Council's internal audit activities are effective, including the
- performance of the head of the internal audit function and internal audit function
- Of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
- Of the implementation by Council of these corrective actions
- On the appointment of the head of the internal audit function and external providers, and
- if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.

External audit

- Act as a forum for communication between the governing body, General Manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- Provide advice to the governing body and/or General Manager on action taken on significant issues raised in relevant external audit reports and better practice Guides

Risk

Risk management

Review and advise the Council:

- If the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- Whether the council is providing the resources necessary to successfully implement its risk management framework
- Whether the council's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated individual projects, programs and other activities
- If risk management is integrated across all levels of the council and across all processes, operations, services, decision-making, functions and reporting
- Of the adequacy of risk reports and documentation, for example, the council's risk register and risk profile
- Whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- Whether appropriate policies and procedures are in place for the management and exercise of delegations
- If council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- If there is a positive risk culture within the council and strong leadership that supports effective risk management of the adequacy of staff training and induction in risk management
- How the council's risk management approach impacts on the council's insurance arrangements
- Of the effectiveness of council's management of its assets, and
- Of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the Council:

- Whether council's approach to maintaining an effective internal audit

framework, including over external parties such as contractors and advisors, is sound and effective

- Whether council has in place relevant policies and procedures and that these are periodically reviewed and updated
- Whether appropriate policies and procedures are in place for the management and exercise of delegations
- Whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- If the Council's monitoring and review of controls is sufficient, and if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately

Compliance

Review and advise the council of the adequacy and effectiveness of the council's framework, including:

- If the council has appropriately considered legal and compliance risks as part of the council 's risk management framework
- How the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- Whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the Council:

- If Council is complying with accounting standards and external accountability requirements of the appropriateness of Council's accounting policies and disclosures
- Of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations
- Whether the Council's financial statement preparation procedures and timelines are sound
- The accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements

- If effective processes are in place to ensure financial information included in the Council's report is consistent with signed financial statements
- If the Council's financial management processes are adequate
- The adequacy of cash management policies and procedures
- If there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- If policies and procedures for management review and consideration of the financial position and performance of the Council are adequate
- If Council grants and tied funding policies and procedures are sound.

Governance

Review and advise the Council regarding its governance framework, including the Council's:

- Decision-making processes
- Implementation of governance policies and procedures
- Reporting lines and accountability
- Assignment of key roles and responsibilities
- Committee structure
- Management oversight responsibilities
- Human resources and performance management activities
- Reporting and communication activities
- Information and communications technology (ICT) governance, and
- Management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the Council:

- Of the adequacy and effectiveness of the Council's IP&R processes
- If appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- Whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the Council:

- If Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- If appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- How the Council can improve its service delivery and the Council's performance of its business and functions generally.

Performance data and measurement

Review and advise the Council:

- If Council has a robust system to determine appropriate performance
- indicators to measure the achievement of its strategic objectives
- If the performance indicators Council uses are effective, and
- Of the adequacy of performance data collection and reporting.

Schedule 2: Risk Management and Internal Audit for local councils in NSW Guidelines

To be attached when finalised.

17 ECONOMIC DEVELOPMENT DEPARTMENT**17.1 *** RECONNECTING REGIONAL NSW - COMMUNITY EVENTS PROGRAM**

File Number: G4.1
Author: Melanie Milgate, Economic Development Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The NSW Government recently announced the \$200M Regional Recovery Package that aims to create jobs and support community events, shows and festivals. A dedicated allocation of \$150,854 is available to Bourke Shire Council to apply for.

The community Events Package is a \$25M component of this overall recovery package and is available to local governments across the State via the allocation.

Current Situation

The funding round opened on 7 April 2022 and closes on 24 June 2022. The events funded must be held prior to 31 March 2023.

A number of additional guidelines apply for the funding. Events must:

- Be open to all members of the public
- Be free to attend or a very small fee to cover any extra costs
- Have a primary purpose of reconnecting communities and improving social cohesion of the local community

Events could include:

- Community markets and bazaars
- Festivals and fairs
- Sporting events
- Food and leisure events
- Recovery events
- Community classes and workshops
- Agricultural field days (run by community organisations)
- Regional racing carnivals (e.g. horse or greyhound racing) run by community organisations
- Touring events and theatre programs
- Community public holiday celebrations (e.g. Australia Day or Anzac Day)

The funding announcement is very welcome. The events will be developed on the basis of supporting each of our communities, supporting existing and emerging events, encouraging participation and held before the funding deadline.

Staff are currently collating a list of activities on the basis of ensuring that Council is able to undertake the events in a short timeframe.

Detailed below is a list of proposed expenditure:

Event	Place	Amount
Bourke festivals and activities	Bourke	\$130,854
Byrock	Byrock	\$4,000
Enngonia	Enngonia	\$4,000
Fords Bridge	Fords Bridge	\$4,000
Louth	Louth	\$4,000
Wanaaring	Wanaaring	\$4,000
	Total	\$150,854

Event may include Henry Lawson Festival, Bourke Derby Day Ball, Australia Day activities, Community Christmas Festival, Bald Archy Exhibition, village Christmas Trees and other events as identified by staff.

Each of the events are expected to draw significant interest from visitors and the local community and on the basis of being supported by Council and the funding body, Council will work with each of the organising committees to assist.

Financial Implications

There are no financial implications for Council. The funding allows for an events coordinator to be engaged if required. Staff would generally contribute some time towards assisting with events.

Recommendation

- 1. That application be made to the Community Events Program for \$150,854 for events to be held in Bourke, Byrock, Enngonia, Fords Bridge, Louth and Wanaaring.**
- 2. That the Mayor, and General Manager be authorised to finalise the list of events for submission of the application of \$150,854 for the Community Events Program.**

18 DELEGATES AND COUNCILLORS REPORTS

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

Nil

21 ACTIVITY REPORTS

21.1 ENGINEERING SERVICES ROAD WORKS & WORKSHOP - WORKS COMPLETED

File Number: E7.1
Author: Alex Saju, Manager Roads
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The following information outlines works completed from 17 April 2022 to 16 May 2022 inclusive.

Road Works - Michael Willoughby – Roads Supervisor	
1. NORTH SECTOR – Denis Tiffen, Team Leader	
Location	Work Carried Out
MR 405 Wanaaring Road	Knocking down gravel completed
MR 404 Hungerford Road	Maintenance grading commenced
SH 7 North Widening	Shoulder widening commenced
RLR 31 Wiree Road	Grading completed
2. SOUTH SECTOR - John Reed, Team Leader	
Location	Work Carried Out
SH 7 South Widening	Shoulder grading completed
RLR 44 Janina	Maintenance grading completed
MR 405 Maintenance Grading	Maintenance grading commenced
MR 404 Maintenance Grading	Maintenance grading commenced
3. TRANSPORT SECTOR - Simon Wielinga, Team Leader	
SH 7 North Widening	Shoulder widening commenced
HWY 7 South	Shoulder widening completed
4. BITUMEN SECTOR – Phillip Harvey, Team Leader	
Bourke Township	Patching undertaken
Regional Roads	Patching undertaken
State Highways	Patching undertaken
State Highways 7 North	Slashing commenced

WORKSHOP – Colin Kiley, Team Leader, Tradesman Plant Mechanic			
Plant no	Rego	Description	Work Carried Out
4	CQ56VW	Ford Everest	Carried out service, remove and replace rear light
12	BM99KO	2011 Toyota Hilux	Carried out service, removed and replaced front brakes
37	AJ01DM	Isuzu 500 Long	Carried out service
44	YII29T	Mazda BT 50	Carried out service, replace plastic seat panel, replaced seat covers
46	BX92HR	Hino Tipper	Carried out service
50	CL16AC	Kenworth Primemover	Repair and adjust steer wheel, diagnose engine code for engine brake and cruise control, found faulty clock spring, remove and replaced
59	Z37484	2014 Transtech	Remove, replace and adjust brake bearings, drum scams and kit
72	BC83YB	2009 John Deere	Diagnose over heating and check over
92	NX29QQ	2014 Western Star	Diagnose air problem, found faulty valve, ordered new valves
102	CV32LT	2019 Ford Ranger	Carried out service, fit and calibrate distances counter
108	63723D	Toro Mower	Diagnose charging problem, found faulty wiring, repaired wiring
111	TB60BR	Dolly	Repair wiring and replace lights as needed, repair and remove hydraulic hose
132	CP22CH	John Deere	Carried out service
139	BR53WH	Caterpillar 950h	Remove and replace blow inlet hose, diagnose engine lack of power, found water in fuel, removed and replaced fuel filters
141	XN84BW	John Deere Grader	Repair wiring on flashing light
155	XN95ZI	2021 Isuzu	Carried out service, repair wiring on lights and crane
172	CL38AZ	Isuzu 1500 FXY	Carried out service, repair hydraulic hoses
174	YKY51P	2020 Mazda BT 50	Carried out service, replace tyres and get a wheel alignment
178	CO73PY	Isuzu NPS	Carried out service, diagnose charging problem, found faulty wiring, repaired and replaced batteries, repair exhaust
218	BR67WH	2012 Hino	Repair air and grease lines, repair wiring and adjust sensor in lift arm
226	YN17BI	2020 Boggie Water Cart	Remove and replace rocket box bushes
227	YN18BI	2020 Boggie Water Cart	Remove and replace rocket box bushes
236	J43715	Highgate Water Tanker	Carried out service, Remove and replace water pump drive
245		2022 Isuzu Generator	Carried out service
257	XO89ED	2021 Hino	Carried out service, remove and replace broom, manufacture light support bracket and fit light bar, repair broken spray bar

271	DC65LK	2022 Ford Ranger	Repair wiring on blinkers
298		Caterpillar Compactor	Diagnose starting problem, found batteries low, removed batteries, charge and refit
300	CR59EV	Mitsubishi Triton	Carried out service
330	CZ11HU	Ford Ranger	Carried out service
370		Wing Slasher	Reshim blades and tighten bolts
505	XN17EH	Kenworth Primemover	Carried out service
506	XN65HG	Kenworth Primemover	Repair wiring on taillight, remove and replace exhaust guard, remove and replace coolant hose, diagnose starting problem found faulty batteries, remove and replace batteries
510	73228D	Smooth Drum Roller	Repair air conditioner drains
520	YN03BI	Moore's Trailers	Repair wiring and replace lights as needed, replace damage reflectors
521	YN04BI	Moore's Trailers	Repair wiring and replace lights as needed, replace damage reflectors
522	YN05BI	Moore's Dolly	Repair wiring and replace lights as needed, replace damage reflectors
555	CY80XA	2020 Mitsubishi Pajero	Carried out service
		Crossley Engine	Pump sump out
		Show Grounds	Pack racing gates away
		Small Plant	Service and repair, lawn mowers, whipper snippers and pressure cleaners
		Yard Work	Organise equipment
		Welding	Repair gates in yard and fence at water works
Staff Training		Nil	

Recommendation

That Council note the information in the Engineering Services Department Road Works and Workshop Activity Reports as presented to Council on Monday, 23 May 2022.

21.2 PARKS & GARDENS / TOWN SERVICES / WATER & WASTEWATER ENGINEERING SERVICES ACTIVITY REPORT

File Number: E7.1
Author: Peter Brown, Manager Works
Authoriser: Mark Riley, General Manager
Attachments: Nil

Background

The following information outlines works completed for the period of 17 April 2022 to 16 May 2022 inclusive.

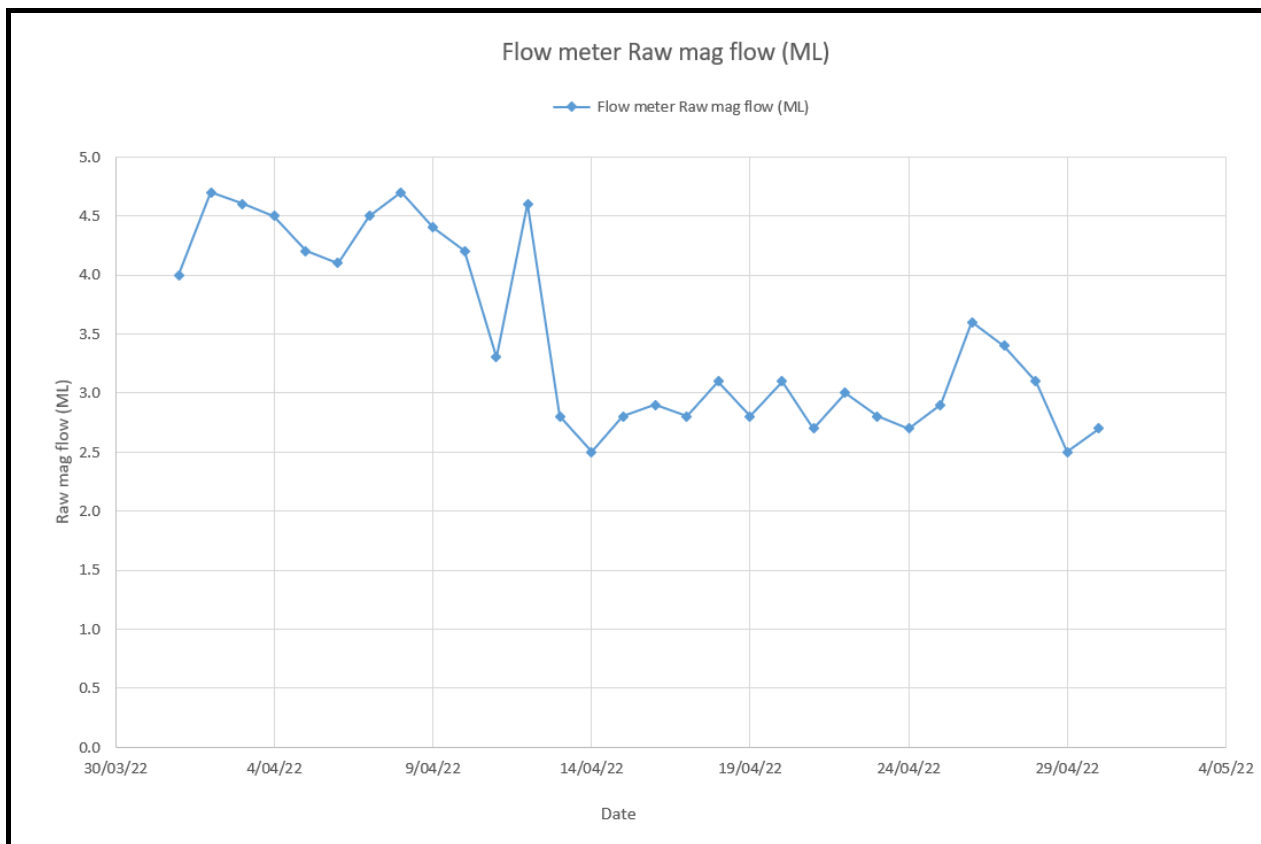
Current Situation

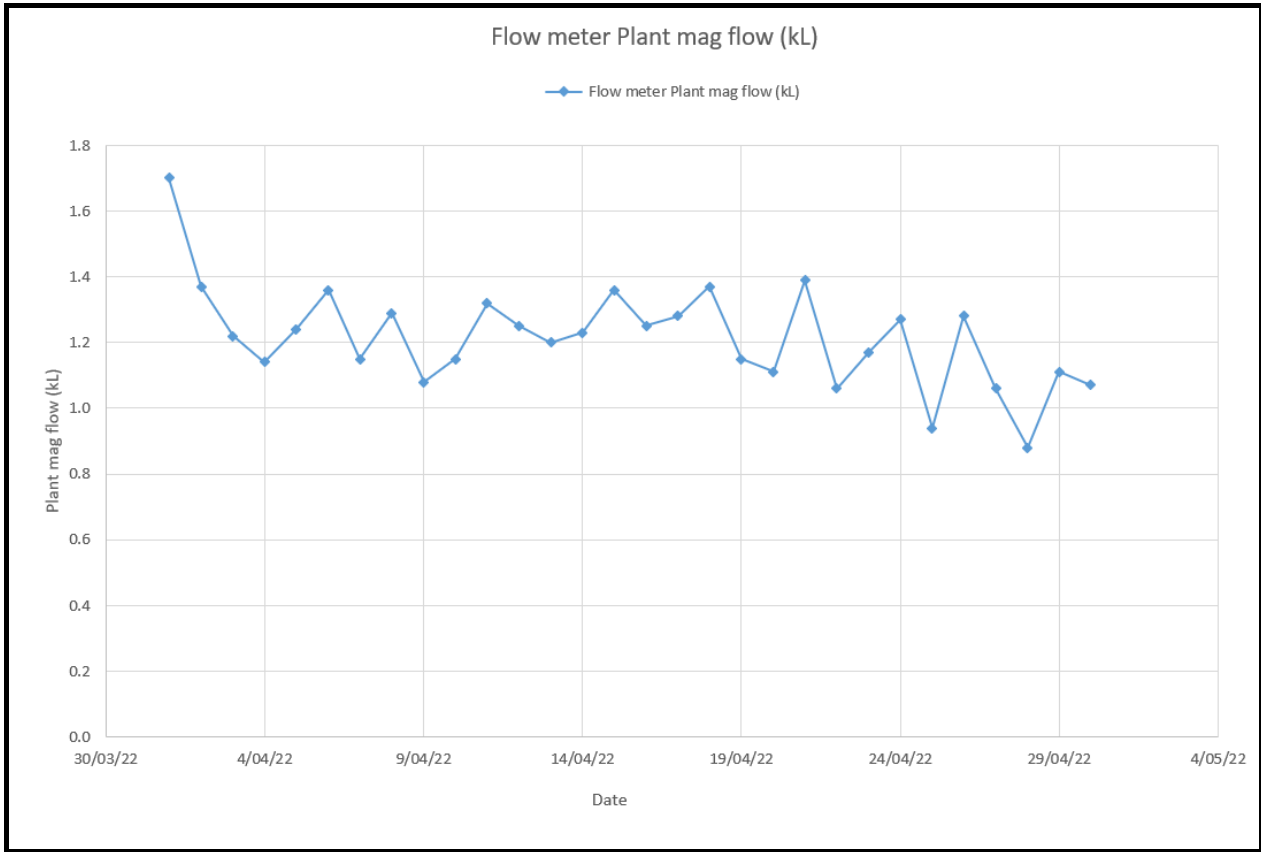
PARKS & GARDENS – Frank Hollman, Acting Team Leader	
Location	Work Carried Out
General	All parks & sporting grounds gardens, regular mowing & maintenance carried out. Sporting grounds facilities cleaned & maintained. Public toilets cleaned & maintained. Clean facilities. General graffiti removal carried out on Council facilities.
Small Plant	Maintenance & service carried out on all ground plant.
Works Requests	Actioned & ongoing.
1 Tudor St	General maintenance carried out.
Wharf	General maintenance carried out. Colour Run.
Council Office	General maintenance carried out.
Renshaw Complex	Grounds, facilities cleaned & maintained. Prepare grounds for Bourke Easter Picnic Races.
Coolican Oval	General maintenance carried out. Prepare grounds for Junior Rugby League.
Davidson Oval	General maintenance carried out. Colour Run. Prepare grounds for Ladies Tag, Junior and Senior League.
Central Park	Skate Park - regular mowing & maintenance carried out, graffiti removal.
Villages	Mow grounds, facilities cleaned & maintained.
Airport	Mowed airstrip.
Darling Park	General maintenance carried out.
Staff Training	Nil

TOWN SERVICES– Troy Hayman, Team Leader	
Location	Work Carried Out
Work Requests	Actioned & ongoing
	Weekly sand footpaths
	Weekly Town mowing
	Relieving Staff in garbage truck
	Daily-Main Street Program
	Daily airport Inspections
	Airport Slashing
	Town Slashing and laneways
	Town Poisoning
	Monthly airport inspections Louth & Wanaaring
Cemetery	Prepared graves:- 07/04/2022, 2x 13/04/2022
Rest Areas	Weekly rubbish removal & cleaning along roadside and pressure clean 65km Mow Cobar rest area
	Monthly service and roadside rubbish removal
	Mow rest areas
Staff Training	ChemCert 04/05/2022
Works Request	Crane container for Bore on Wanaaring Road
	Sand Percy Hobson Park
	Blocks wharf with Crane
	Sand / Bobcat Exhibition Centre
	Clean camera at Cenotaph and Courthouse corners
	Cover cricket pitch at Davidson Oval
	Prune trees in Anson Street
	Fill in wheel tracks at Davidson Oval
	Spread soft-fall around the Renshaw Complex and pavilion, holding yard
	Mow Renshaw Complex
	Replace broken Storm water pit lid with Steel plate
	Gravel Jandra Road North Bourke
	Crane Charles Street water tower
	Pressure clean Main Street and Bakery footpaths
	Mowing North Bourke Sub-Division
	Mowing around airport lights
	Fill in grave
	SECA clean out gutter bridges from rain in Town
	Remove dead dog from Hope Street
	Crane sewer wells pump station
	Trip hazards in front of Bourke Public School
	Repair and remove footpath from Mitchell Street
	Deliver gravel to Charles Street water tower
	Patch holes in driveway in Tarcoon Street

Water & Wastewater – Shane Hopley, Team Leader	
Water Supply Planned Maintenance	
82 Short Street	Sewer Choke
3 Charles Street	Sewer Choke
18 Short Street	Sewer Choke
4 Sturt Street	Sewer Choke
6 Darling Street	Sewer Choke
57 Tudor Street	Sewer Choke
2 Sturt Street	Sewer Choke
152 Anson Street	Sewer Choke
38 Mitchell Street	Sewer Choke
5 Glen Street	Sewer Choke
9 Darling Street	Sewer Choke
63 Tarcoon Street	Sewer Choke
149 Anson Street	Sewer Choke
Hope Street	Sewer Choke
Alice Edwards Village	Sewer Choke
Culgoa Street	Sewer Choke
Mitchell Street	Sewer Choke
Wharf	Sewer Choke
Renshaw Complex	Repair leaking 50mm filtered water pipe Dug 100mm raw water main and repair main Locate power for excavation Check toilets for races install new sewer pump Check sprinklers
Wharf	Connect filtered water service Connect power Repair leaking 20mm filtered water service
Enngonia	Repair leaks Mow compound
Rural Fire Service Shed	Repair leaking sink
Airport House	Clean and inspect septic
Central Park	Clean and check sprinklers Replace filtered water pipe to toilets
Jones Parks	Clean and check sprinklers
Rainbar Camp	Replace hot water and pump in caravans
PCYC	Connect water to air conditioner
54 Short Street	Repair raw service
7 Wortumertie Street	Repair raw service
Depot	Repair filtered water leak
2 Hume Place	Repair leaking 20mm filtered water service
Oxley Street	Repair leaking 20mm filtered water service
104 Macquarie Street	Repair leaking 20mm filtered water service
14 Darling Street	Repair leaking 20mm filtered water service
57 Darling Street	Repair leaking 20mm filtered water service
61 Tudor Street	Dug 50mm filtered water main, repaired 20mm service
Meadows Road	Dug 50mm filtered water main and repaired main
54 Mertin Street	Dug 100mm raw water main and repaired main
Percy Hobson Park	Dug 100mm raw water main and repaired main

50 Mertin Street	Dug 100mm raw water main and repaired main
52 Mertin Street	Dug 100mm raw water main and repaired main
152 Anson Street	Low raw water pressure, blow out and clear
50 Mertin Street	Low raw water pressure, blow out and clear
Back O Bourke Exhibition Centre	Repair leaking filtered water line
Macquarie Street, North Bourke	Install new filtered and raw water services
5 Yanda Street	Dug 100mm filtered water main, repair 20mm service
Warrego Street	Dug 100mm filtered water main, repair 20mm service
52 Mertin Street	Dug 150mm filtered water main and repaired main
Alice Edwards Village	Pull out pump, clear choke
Anson Street SPS	Pull out pump, clear choke
Becker Street SPS	Pull out pump, set up bypass pump
Water Treatment Plant	Start erecting new fence Install new repeaters
WTP Raw Water Pump Station	Repair non-return valves
Sewer Treatment Plant	Mow and spray weeds
Alice Edwards Village	Routine maintenance & monitoring as per ACP Management Plan
Clara Hart Village	Routine maintenance & monitoring as per ACP Management Plan
Training	Nil





Month	Raw water ML	Filter magflow pump 2 ML	Raw Water North Bourke KL	Filter Water North Bourke KL
January 2021	134	43	31,255	2,013
February 2021	94	39	30,110	2,145
March 2021	96	38	29,332	2,130
April 2021	99	36	11,607	1,717
May 2021	102	38	12,676	1,808
June 2021	74	34	8,484	1,735
July 2021	75	33	9,856	1,788
August 2021	98	27	16,310	1,542
September 2021	107	29	19,235	1,325
October 2021	122	30	20,314	1,255
November 2021	81	31	16,326	1,356
December 2021	108	36	20,589	1,234
January 2022	113	34	25,364	1,463
February 2022	129	31	29,523	1,958
March 2022	140	37	28,561	1,621
April 2022	104	33	10,985	1,563

Process	Parameter	Minimum	Average	Maximum	Lower critical lim	Upper critical lim	No. of samples
River level	River level (425003)	6.92	7.54	8.25	3.9		30
Raw Water	pH	7.30	7.70	8.14			30
Raw Water	turbidity	154.00	297.93	375.00			30
Filtered water	pH	7.00	7.30	7.70	6.5	8.7	30
Clarifier	Turbidity	0.54	1.14	1.80	0.0	4.0	30
Tower	Free Cl2	1.50	2.87	3.60	0.2	5.0	30
	Turbidity	0.12	0.18	0.30	0.0	1.2	30
Bourke High Schoo	Free chlorine	1.00	1.40	2.10	0.2	4.0	3
Bourke High Schoo	pH	7.10	7.20	7.30	6.5	8.5	3
Bourke High Schoo	Turbidity	0.15	0.18	0.20	0.0	0.5	3
WTP	Free chlorine	2.30	2.30	2.30	0.2	4.0	1
WTP	pH	7.30	7.30	7.30	6.5	8.5	1
WTP	Turbidity	0.15	0.15	0.15	0.0	0.5	1
Bourke Primary Sch	Free chlorine	1.00	1.00	1.00	0.2	4.0	1
Bourke Primary Sch	pH	7.40	7.40	7.40	6.5	8.5	1
Bourke Primary Sch	Turbidity	0.19	0.19	0.19	0.0	0.5	1
Meadows Rd	Free chlorine	1.30	1.30	1.30	0.2	4.0	1
Meadows Rd	pH	7.30	7.30	7.30	6.5	8.5	1
Meadows Rd	Turbidity	0.15	0.15	0.15	0.0	0.5	1
Mitchell St	Free chlorine	1.20	1.20	1.20	0.2	4.0	1
Mitchell St	pH	8.50	8.50	8.50	6.5	8.5	1
Mitchell St	Turbidity	0.20	0.20	0.20	0.0	0.5	1
Alice Edwards Villa	Free chlorine	1.90	1.90	1.90	0.2	4.0	1
Alice Edwards Villa	pH	7.30	7.30	7.30	6.5	8.5	1
Alice Edwards Villa	Turbidity	0.17	0.17	0.17	0.0	0.5	1
Kidman Camp	Free chlorine	0.90	0.90	0.90	0.2	4.0	1
Kidman Camp	pH	7.40	7.40	7.40	6.5	8.5	1
Kidman Camp	Turbidity	0.25	0.25	0.25	0.0	0.5	1

No	CCP	Monitoring Parameter	Location	Frequency	Target	Adjustment Level	Critical limit
CCP 1	Clarification	Turbidity	After clarifier	Daily grab sample	<1 NTU	4 NTU	>4 NTU
CCP 2 *	Filtration	Turbidity	After Filters	Daily grab sample	0.4 NTU	1 NTU	>1.2 NTU
CCP 3	Disinfection	Chlorine residual	Filtered Water	Daily grab sample	1.5-2 mg/L	<1.5 mg/L for more than 3 days	<0.5 mg/L or > 5 mg/L
CCP 4	Fluoridation	Fluoride concentration	After filters	Daily grab sample	1.0 mg/L	<0.95 mg/L or >1.0 mg/L	<0.9 mg/L for > 72 hours Or >1.5 mg/L
CCP 5	Reservoirs	Reservoir Integrity	Reservoirs	Weekly	Integrity maintained	Signs of integrity breach	Unable to rectify breaches

Treatment Plant EPA Licence Compliance

Record of Effluent Analysis

Pollutant	Unit Of Measure	Licence 100 Percentile Concentration Limit	Jan 2022 Test	Feb 2022 TEST	Mar 2022 TEST	Apr 2022 TEST	May 2022 TEST
Oil & Grease	mg/L	10	n/a	n/a	n/a	n/a	
pH		6.5-8.5	n/a	n/a	n/a	n/a	
Nitrogen (total)	mg/L	15	n/a	n/a	n/a	n/a	
Phosphorus (total)	mg/L	10	n/a	n/a	n/a	n/a	
Total suspended solids	mg/L	20	n/a	n/a	n/a	n/a	
Biochemical oxygen demand	mg/L	15	n/a	n/a	n/a	n/a	

Council notes the provisions of clause L2.5 (a) and (b) of its licence conditions of a chlorophyll exemption due algal growth, which also exempts the above exceedances.

- Rainfall in Bourke for April 2022 was 32 mm
- Hottest day for April 2022 was 28.4 degrees
- Coldest day for April 2022 was 15.3 degrees

Recommendation

That Council note the information in the Parks & Gardens, Town Services and Water and Waste Water Engineering Services Department Activity Reports as presented to Council on Monday, 23 May 2022.

21.3 ACTIVITY REPORT - PLANNING, REGULATORY AND ENVIRONMENTAL SERVICES DEPARTMENT

File Number: D3.1-A11.1-A8.1
Author: Dwayne Willoughby, Manager Environmental Services
Authoriser: Mark Riley, General Manager
Attachments: Nil

Development Approvals			
Delegated Authority or Council	Consent Type & Consent No.	Subject Land	Nature of Development
Delegated	DA 2022/0009	Lot 2, Section 43, DP 758144 87 Mertin Street Bourke	Construction of residential shed

Total value of Approved works for April 2022	= \$28,000
No. of Development Application Approvals for April 2022	= 1
No. of Complying Development Application Approvals for April 2022	= 0

Building Services Report	
Location	Work Carried Out
Work Requests	Actioned and ongoing
Risk Assessments	Completed with every job
Training	Nil
Contractors	Maintenance works completed as required Upgrade works completed as per Operational Plan
Buildings	Maintenance works completed as required
Airport	Maintenance works completed as required

Animal Control		
Bourke Shire Council Holding Facility	Dogs	Cats
Animals in Pound beginning of Month	4	0
Seized	6	1
Surrendered	3	0
Handed in by members of the public	0	0
Seized by Police	0	0
Total	13	1
Euthanised	0	0
Released to Owner	2	0
Adopted	0	1
Re-housed	9	0
Died in Pound	0	0

Escaped from Pound	0	1
Animals Remaining at End of Month	2	0
Total	13	1
Stock Rested in Stock Yards	100	

- Attended complaints in regards to dogs causing trouble to the general public
- Ongoing patrols of the township enforcing the Companion Animal Act
- Water sampling for the township, villages and Darling river
- Patrols of Councils Reserves

Recommendation

That the information in the Environmental Services Activity Report as presented to Council on Monday, 23rd May 2022 be received and noted.

21.4 GENERAL MANAGER'S ACTIVITY REPORT

File Number: G2.1
Author: Mark Riley, General Manager
Authoriser: Mark Riley, General Manager
Attachments: Nil

28 April 2022

Ministers in Bourke

The Deputy Premier, the Hon Paul Toole; the Minister for Western NSW, the Hon Dugald Saunders; and the Minister for Regional Health, the Hon Bronnie Taylor, were all in Bourke last week after a frenetic few days following the Easter break having been in Deniliquin, Broken Hill, Silverton, Wilcannia and then Bourke on Thursday. They headed back to Dubbo on the Thursday afternoon Airlink flight out of Bourke. It is great to see the Ministers utilising these flights.

Back in early February 2022 at the height of a particularly difficult time for Bourke in terms of youth crime, the Mayor wrote to the NSW Premier seeking assistance to the issues at hand, stating in part, that "current programs have unfortunately failed these youths." Whilst much has taken place behind the scenes by numerous agencies in a bid to address the various issues, it was most pleasing to be able to meet with the Deputy Premier and Ministers Saunders and Taylor to discuss both social and health issues for Bourke. In addition to being Deputy Premier, Minister Toole is also Police Minister and Mayor Barry, Leonie Brown and I also took the opportunity, whilst at the Station in the company of Deputy Commissioner of Police, Peter Thurtell; Assistant Commissioner, Gavin Wood; and Officer-in-Charge at Bourke Police, Inspector Peter Walton, to press the case for funding to undertake the construction of new Police Station facilities at Bourke. The current facilities are inadequate and are in need of upgrading. In the company of the Deputy Premier, and the various Police hierarchy, we also visited the Bourke PCYC where we met with Dominic Teacle, CEO NSW PCYC, and heard from Bourke PCYC Manager, George Dixon on the various programs and initiatives that George and his team are rolling out for youths in Bourke. It was a busy morning!

As the Member for Bathurst in the NSW Parliament since March 2011, Minister Toole has held various ministerial portfolios including that of Local Government from April 2014 till January 2017. This included the lead up to and the period in 2016 when various Councils in NSW were merged. In my past role as General Manager at Dubbo Regional Council, being a merged Council, the Administrator, Michael Kneipp, and I would attend regular forums in Sydney with the other merged Councils to discuss issues affecting the various Councils. To his credit as the Minister for Local Government, Minister Toole would attend these sessions taking the time to meet individually with respective Council Administrators and General Managers to see how matters were progressing in the particular Council area. The mergers were not easy and the personal approach and the interest of Minister Toole at the time was much appreciated.

Easter Festival

I wrote in last week's GM's Column how good the Renshaw looked for the Bourke Picnic Races on Easter Sunday. I confidently wrote that statement on Easter Thursday following an inspection of the facility that morning. Writing this week's Column after the Easter Weekend, I can

categorically state that the Bourke Easter Festival was a resounding success. There were a significant number of visitors in town to experience all things Bourke with the weather being perfect from when the estimated 300 people participated in the Colour Run on Good Friday morning right through to the last trip on the Jandra on Easter Monday afternoon. I attended the Back O' Bourke Exhibition Centre (BOBEC) at lunchtime on Easter Monday and there were still people making bookings for the 2.30pm cruise on the river that afternoon. In all, some 500 people took advantage of the Jandra Cruises over the long weekend. It was only a week prior that staff were wondering whether the vessel would in fact be able to operate over the Easter Holiday period due to the high-water level of the Darling River at the time. Interestingly whilst the river level dropped in time for Easter, the river height has again increased and river cruises have again been suspended, for the time being.

Some other impressive numbers from the Easter weekend included over 300 people at the Sulli-Vans and Kaitlyn Thomas performances at the BOBEC on Friday evening and then an estimated 800 people in attendance at the Street Parade on Saturday. Lachlan Ford tells me it was a packed house at the Bowling Club on Saturday evening for the Calcutta for the Races. The following morning, approximately 350 kids participated in the Easter Egg Hunt at the BOBEC. There were easter eggs and kids everywhere!

The Picnic Race Club advised that some 1600 people attended the races on Easter Sunday. There were excellent horse numbers, a strong betting ring, a new undercover pavilion for race goers, a well organised and stocked bar, and strong participation in the various best dressed categories. When all these features are coupled with the excellent organisational skills of the Bourke Picnic Race Club officials, it was a great afternoon. I know one gent, and it wasn't me, who became increasingly happier throughout the afternoon after picking the winners of the first three (3) races on the day. The race of the day, in my opinion, turned out to be the feature race, being Race 4, the Splash Cola Harry Hart Memorial Picnic Cup run over 1600 metres. The \$11,000 race was won by a Nyngan based, and Rodney Robb trained, horse by the name of Knee Slapper, which won at rather long odds having led all the way with the margin between first and second being a short head. A very tight finish. I understand there was a protest from the jockey of the third-place horse but that was ultimately dismissed, and correct weight called.

In all, close on 1200 people attended the BOBEC over the four (4) days of the long weekend and it's a credit to a community the size of Bourke that it has a facility such as the Exhibition Centre that can tell the story of Bourke's history, promote current day attractions and sell a coffee and food to residents and visitors alike. All hail to those that had the vision to develop such a facility.

Winners

"To the victor belong the spoils of the enemy" was, according to the Encyclopedia Britannica, a quote by a William L. Macy back in 1832 when he was a US Senator with the meaning being that "the person who wins or succeeds beyond all others is entitled to the benefits or rewards associated with that success." Over the years the quote has been generally expressed as "to the victor go the spoils" and it is a most appropriate statement to reflect the efforts of the winners of the Wool Bale Rolling Competition held in Bourke following the Street Parade on Easter Saturday! In the Men's Individual Event, it was Bourke local Will Brown who outpaced his Men's Team Counterpart from Dubbo, Cam Duffy, by a time difference of 1.02 seconds. 3rd place went to Scott Hayward who was but 0.1 seconds behind Cam. A very close competition.

In the Women's Teams Event it was the "Crazy Ladies" team comprising of Karley Potter, Michelle Williams, Cecile Slattery, Sally Simmonds who took the spoils for 2022. In the Men's Teams Event, Will Brown teamed up with Cam Duffy, James Hand and Ben Howard to come out in front. Well done to all those involved, win or lose, for stepping up and participating.

Completion of the Sealing of Wanaaring Road

Bourke residents know that the village of Wanaaring is located 180km due west of Bourke on the Paroo River. What was once a bone jarring road full of bulldust and corrugations in the dry, and a road impassable to non-4WD vehicles following periods of minor rainfall events (<10mm), the Bourke to Wanaaring Road is now, for all but 36.33km of its length, a sealed all-weather surface. To date 144 km of this important road has been sealed, with 96km of the road sealed during Paul Toole's term as Regional Roads Minister when Council received \$25.222m in funding to undertake works on the road.

Whilst in Bourke last week, Mayor Barry took the opportunity to advise the now Deputy Premier of the difference that the upgrading of a large part of this road has made to the quality of life of residents both along the road, and beyond, and in the village of Wanaaring itself. Mayor Barry also sought funding of \$13.6m to complete the sealing of the final 36.33km of the road from Bourke to Wanaaring. It's fair to say that the request was well received with the Deputy Premier also keen to see what he started, in terms of the sealing of the road, completed.

Quote: "The best meeting I've been to in twenty years." High praise indeed for the 2022 Bourke Picnic Race Meeting from Tim Moses, on-course race caller and broadcaster, who would have been to hundreds of race meetings in that twenty year period.

5 May 2022

Anzac Day

Thank you to all involved in last week's Anzac Day activities in Bourke and Louth. Whilst I wasn't in Bourke for the Dawn Service, a reliable source informed me that the Dawn Service was attended by well in excess of 300 people. I was back in Bourke for the morning service, and I always get a chill up my spine as the Parade marches towards the local cenotaph as part of the service. I have attended services at Orange, Sydney, Dubbo and Bourke over the years and I consider that Anzac Day is the Nation's most important day. My Grandfather was in the First World War and his brother was shot and killed next to him in a foreign land. The ultimate sacrifice. Unfortunately, so many families have links to family who have died during theatres of war and more recently through suicide on return from duty. Anzac Day recognises all those who have sacrificed so much. I was honoured to be able to recite the Ode of Remembrance at the Morning Service with the Ode having been recited to commemorate wartime service and sacrifice since 1921. Well done to Bourke RSL Sub-Branch members and particularly its President, Victor Bartley, for their ongoing work in honouring both the fallen and returned soldiers. A thank you also to my staff for presenting and maintaining Central Park and the Cenotaph area year-round and the various other staff involved in ensuring a successful commemoration was held.

Wanaaring to Tibooburra Road

The State Member for the Seat of Barwon, Roy Butler MP recently met with Wanaaring locals at the Soldiers Memorial Hall before travelling onto Tibooburra. In doing so he travelled to Wanaaring on what is known as the Cut Line Road, which, at this point, is mostly unsealed. In his most recent newsletter Roy noted that he was pleased to hear that Transport for NSW has a

proposal to seal the Cut Line Road which, when completed, would make it passable in all weather conditions. This would open up the area for tourists, who would normally balk at driving on dirt roads or are reluctant to take expensive caravans across rough terrain. Roy noted that at the moment the sealing is only a proposal, with no allocated funding for the project. At least the project is being talked about, which is a start. Mayor Barry has recently provided a letter of support in respect of the sealing of this road, which as Roy pointed out in his newsletter, would have a multitude of benefits for the region. Roy concludes in his newsletter that the sealing of this road "could be genuinely life changing for many of the isolated properties and communities in that part of the state." Such conclusion has certainly been the case in respect of the sealing of the Bourke to Wanaaring Road in recent years.

Catch Up with George

On the recent Anzac Day long weekend, I was privileged to be invited to attend drinks in Dubbo in honour of a fantastic lady by the name of Joan Richardson who passed away in 2021 at the age of 90. Due to Covid it hadn't been possible to hold a wake following her passing. During a large part of her working life, Joan was a solicitor at the long-established legal firm of Booth Brown Samuels and Olney in Dubbo. Booth Brown were the Solicitors for Dubbo Council for well over a century. I first met Joan back in the late 1980's when I became responsible for Dubbo Councils land development program. Council was a most active land developer back in those days and Joan had the uncanny ability to advise almost instantaneously the progress of the many land transactions the Council had on the go at the time in terms of exchanges, settlement dates and the like when I would make an enquiry, such was her amazing memory. At the Sunday function I was also able to catch up with former Bourke identity, George Rice, who has successfully undertaken various land development projects in Dubbo, and beyond, since he relocated to Dubbo some years ago now. This includes the very successful rural residential Firgrove Estate at Dubbo. George was telling me of his latest developments in Dubbo and we also touched on the progress of the St George Dragons this season, the day before they upset the widely favoured Roosters at the Anzac Day match at the Sydney Cricket Ground.

Benefits of Funding

I wrote in last week's column as to just how good the Bourke Picnic Race Club Meeting was on Easter Sunday. Apart from the meticulous planning that the Club undertook to present such a successful day, I must say that the new Pavilion constructed at the Renshaw played a significant contributing role in the success of the day. Funding for this shed came via contributions of \$269,170 courtesy of the NSW State Government and its Showgrounds Stimulus Program (Phase 2); \$100,000 through the Federal Governments Local Roads and Community Infrastructure Program (Phase 2) and a further \$30,000 through the Local Roads and Community Infrastructure Program, Paths and Cycleways component, which funded disability and ambulant access to toilets, shed, bar and food stalls. In addition, council contributed in-kind works to the value \$50,000.

Whilst the Pavilion frame was supplied by a Dubbo firm, essentially all other components, from the concrete floor upwards, were supplied and constructed by local contractors. Some 20 locals worked on the project from tradesman to apprentices and labourers with the materials purchased through local businesses and local machinery hire used. It's always difficult to single out individuals, however many thanks and congratulations to Simon Lawson Constructions for their work and the work of their contractors in successfully delivering a facility that will be of considerable benefit for many years to come.

Over Easter it was great to hear positive comments from returning residents as to how good Bourke was looking after their not having been to town for some time. In this regard it is important to again thank both the State and Federal Governments for the significant funding that Bourke has received over the last five (5) or so years that has enabled so many improvement projects to be undertaken in the Shire.

Aboriginal Communities Funding

Talking of improvements through Government Grant Funding, when the Deputy Premier, the Hon Paul Toole, and Ministers the Hon Dugald Saunders and the Hon Bronnie Taylor, visited both Wilcannia and Bourke recently, some \$5.9m in funding for COVID Impacted Aboriginal Communities was announced. As part of the program, recipients in Bourke Shire are to receive up to \$2,790,000 in funding. The funding recipient for the majority of the projects was Bourke Council for the following projects: Bourke Pool including upgrading of the canteen, provision of a shed for the storage of swim club assets, the acquisition of recreational equipment and for the sealing of the roadway at the western end of the pool; Bourke CBD Upgrades – Aboriginal Employment; Removal and clean-up of old fire damaged dwellings in Bourke; Installation of two pontoons in the Darling River; Improvements at the Bourke Fishing Reserve; Construction of a pathway and the installation of lighting from the Clara Hart Village to the town hall at Enngonia; Upgrades to the Clara Hart Village signage and Meeting place infrastructure at Clara Hart Park, Enngonia. REDI also received funding to undertake upgrades at the Bourke Youth Hub as did Maranguka for upgrades at the Bourke Men's Hub. These are all great projects for the Bourke Shire.

Council Meeting

Council met for its monthly meeting last Tuesday, 26 April 2022. There were numerous reports adopted that relate to Council's suite of Integrated Planning Documents including its 2022-2026 Delivery Program and its 2022/2023 Operational Plan (i.e. the budget) which also includes Councils Fees and Charges for the financial year period. In adopting these reports, Council did so on the basis of them being drafts which are to be exhibited for a period of 28 days for the purposes of receiving community feedback prior to Council considering such feedback prior to ultimately adopting a Delivery Program and an Operational for implementation. In this regard, exhibition of the Delivery Program and the Operational Plan will commence next Monday, 9 May 2022 with submissions closing at 4.30pm on Monday 6 June 2022. Also at the meeting, Council resolved to accept the tender as submitted by Hydrocare Pools to undertake the construction of a replacement Learn to Swim Pool (and accompanying filtration plant components) at the Bourke Memorial Olympic Swimming Pool facility at a cost of \$1,667,383. Such funding has been made available through Phase 3 of the Federal Governments Local Roads and Community Infrastructure Program. Construction will commence in coming weeks.

Quote: "I expect that there will be evidence before the public inquiry that iProsperity group paid for some of the entertainment and travel expenses incurred". Claims in the ICAC that another public official, a Sydney Council Mayor, failed to disclose relationships or declare a conflict of interest.

12 May 2022

Bourke Show

The headline in last week's edition of the Western Herald stated that there were "Only 9 more sleeps until Bourke Show." The good news is that the number of sleeps is now down to 2, with the

Show on this Saturday, 14 May 2022 at the Renshaw Reserve in Bourke. With gates opening at 6.00am on the day and show jumping commencing at 7.30am, the Bourke Show Society have arranged an action-packed day of activities which culminates at 6.30pm with the fireworks display. Activities during the day include dash-for-cash foot races, a young farmers challenge, Show-n-Shine exhibition of vehicles, judging of the Miss and Master Bourke titles, ring events, side show alley, live music, and a dog and pet show. Then there are the static exhibitions in the pavilion which include local flowers, produce, preserves, cooking, craft, fine arts, photography and needlework, to name but some of the goods to be exhibited.

On the issue of pets, please give some thought to the welfare of your pets during Saturday night's fireworks display at the Show. The sudden loud noises and bright flashing lights that are associated with fireworks can be very frightening for many animals. Research provides that 45 per cent of dogs show signs of fear when they hear fireworks with animals being prone to injury when they run and hide from the fireworks.

Certificates of Commendation

I was delighted to learn that both the Bourke Headquarters Brigade and the Wampralea Brigade from Wanaaring were last week awarded a Rural Fire Service (RFS) Commissioner's Certificate of Commendation at the St Florian's Day Awards held at the RFS State Headquarters in Sydney. Held on the 4th day of May each year, the ceremony coincides with the Feast Day of St Florian, Patron Saint of Firefighters and International Firefighters' Day. The story of St Florian is an interesting one.

Born about 250 AD in Cetium (now Austria), Florian joined the Roman army and angered the Emperor Diocletian when he refused to persecute Christians in the area. As punishment, he was twice scourged, half flayed alive and sentenced to be burnt alive. While being set on fire he challenged the Roman soldiers, saying "if you do, I will climb to heaven on flames". The soldiers became apprehensive and instead threw Florian into the River Enns with a stone around his neck. About 700 years later, in approximately 900-950 AD, a monastery was built near Florian's tomb and subsequently the village of St Florian grew around it. St Florian was later adopted as the Patron Saint of Poland, following an incident when a person was saved from a fire by invoking St Florian's name. Since then, St Florian has been regarded in most countries as the Patron Saint of Firefighters. The NSW RFS continues the tradition of celebrating International Firefighters' Day on St Florian's Feast Day by recognising its members for their acts of bravery and service to protect the community.

Anyway, I digress! The Commissioner's Certificate of Commendation is awarded "to recognise service or outstanding actions in relation to fire service duties, administrative leadership, or exemplary performance of a specific project or task. The Certificate of Commendation is awarded to an individual or unit for service beyond the scope of responsibility normally expected of that person or unit in their assigned duties and is therefore worthy of acknowledgement and commendation."

The Bourke Headquarters Brigade were recognised for going above and beyond their call of duty, working tirelessly during last year's COVID lockdown distributing Resilience NSW and Food Bank care and food hampers to communities across the Bourke Local Government Area. The volunteers joined personnel from other agencies, including Council, NSW Police, Maranguka Community Hub, NSW Health, and other partners, to deliver hampers in a contactless manner to all households in the Local Government Area, including Bourke, Enngonia, Louth, Fords Bridge, Wanaaring, and

Byrock. In all the Brigade members gave a total of 700 volunteer hours by the end of the outbreak delivering 1,000 hampers and 250 fresh fruit and vegetable parcels across the region. As Chairman of the Food Group established at the time, I can certainly vouch for the Brigades fantastic work, and for that matter the work of all my fellow Food Group members.

The Wampralea Brigade were also recognised on the day for their efforts in attending to an injured motorcycle rider at an accident which occurred in June 2021, some 60 kilometres west of Wanaaring. With no NSW Police based at Wanaaring, Bourke Police were unable to reach the scene due to impassable road conditions with the efforts of officers from NSW Ambulance similarly unsuccessful. Not so for the Wampralea Brigade who responded to the Emergency Position Indicating Radio Beacon alarm, travelling to the scene in an RFS appliance and a private vehicle. On arrival, the crew provided first aid until such time that an RFDS Nurse arrived. They ultimately transported the injured rider to Wanaaring before he was flown out the next day.

Members of both Brigades are to be congratulated, and thanked, for their significant contributions.

Flights

As a regular passenger on the Airlink flights between Bourke/Dubbo, I have both experienced and witnessed the exceptional customer service Airlink provide to all their passengers utilising the flights. At the forefront of this service has been Airlink's General Manager, Mr Ron O'Brien. Ron has been in the airline business for many years and he has been most accommodating to the needs of all passengers who have travelled on the service. There are many airline operations around the nation that could do with some practical advice from Ron in terms of customer service. Some nine weeks ago, I turned up at Dubbo Airport for my flight to be greeted by another Airlink employee. After Ron having consistently been at the check-in counter since I started at Bourke and then greeting every returning flight during the week, Ron's absence was most noticeable. Naturally I enquired at the time as to Ron's whereabouts, presuming he was taking some long-deserved leave. I was advised that Ron was unfortunately ill and would be off for an unknown period. I was very happy to walk into Dubbo Airport last week to once again be greeted by Ron. It was great to not only see him but also to be able to catch up and have a chat. I certainly wish him well with his continuing recovery and acknowledge his significant contribution to the provision of flights to Bourke, Walgett and Lightning Ridge.

Illegal Dumping

Commencing this month Council officers will be specifically targeting illegal dumping in and around Bourke. Officers will be conducting regular blitzes of known hot spots and issuing on the spot fines. A number of measures will be introduced by Council including the use of drones, surveillance cameras and increased patrolling of the known areas to combat illegal dumpers. Residents dumping household waste are warned that "fines" await them if they opt to ditch their trash on vacant land, rather than the Bourke Waste Management Facility. Illegal dumping causes significant environmental damage to the land and I encourage residents to make use of the waste services and facilities that council provides rather than resort to dumping illegally. Council provides many opportunities for the responsible disposal of waste including free green waste and e-waste (which includes old TV's) disposal at the Bourke Waste Management facility.

Bald Archy Exhibition

From 27 May to 26 June 2022, the Back O' Bourke Function Centre will showcase the winning portraits of the Bald Archy Art Prize Exhibition from the past 26 years. The annual caricature prize

was created in 1994 as an independent tongue-in-cheek response to Australia's most respected portrait prize, the Archibald.

The artworks encapsulate the irreverent, larrikin Australian spirit in a way that appeals to people from all walks of life such that the exhibition is now internationally known and has been exhibited over the years all across Australia. Winning subjects have included Kerry Packer, Shane Warne, John Howard, Pauline Hanson and a myriad other Australian icons.

After the passing of the exhibitions founder, Peter Batey, in 2019, the administration of the Bald Archy Prize was handed over to the Museum of the Riverina, Wagga Wagga. Bourke is fortunate to be able to exhibit these winning artworks this year and has further secured the exhibitions return in 2023, for its 27th year. Council will be hosting the opening of the exhibition on Friday 27 May 2022.

Quote: "At its meeting today, the Reserve Bank Board decided to increase the cash rate target by 25 basis points to 35 basis points." Philip Lowe, Governor of the Reserve Bank of Australia announcing last week an increase in the cost of money, with further interest rate lifts expected over the period ahead.

19 May 2022

Town Works

Work on the construction of the Charles Street Water Reservoir is progressing with the tower well and truly taking shape. If you drive past Charles Street, you will see that the tower is now at a point where it is about half its ultimate height. Through the good work of the contractor, Councils Project Manager - Public Works Advisory and Council staff, in all agreeing to pre-purchase required steel for the project when the project was delayed last year due to the COVID outbreak, Council has been able to avoid the estimated 10% recent increase in steel prices. The cost of many building materials has risen substantially in recent times and it certainly makes construction projects most challenging for all concerned.

Council's Manager of Works, Peter Brown, was telling me that Ian Langdon-Smith was back in Bourke for Easter to ensure that the planted trees along Vision Way and Tancred Drive are being maintained to the necessary standards. Ian and his helpers do a great job with the trees on those town entries and a special thanks are extended to them for maintaining the new trees that Council planted in Stage one of its tree planting program. Stage two of that plan is programmed to start in coming weeks and with the recent rains, the timing will be perfect. Obviously, all in Bourke would realise that with the good rains across a large part of eastern Australia in recent weeks and months, the Darling River will continue to flow which will keep the towns water supply away from the imposition of any water restrictions for the watering of gardens for some time into the future.

Peter also mentioned that works on a new concrete footpath in Mertin Street, adjacent to Davidson Oval, is underway with construction works in Tarcoon Street, fronting the Bourke High School, will shortly commence. These works are part of a funding package that will result in Council renewing some longstanding troublesome areas for pedestrians in the Bourke community.

Destination Management Plan

A priority project for the destination networks identified within the NSW Government's Visitor Economy Strategy 2030 (VES), as launched in early 2021, is to develop a Destination Management Plan (DMP) for their respective region. The preparation of new DMP's will build on the important work done in the previous iteration of the document, which were published in 2018. Destination NSW and the destination networks are committed to a new and more cohesive approach to deliver a suite of seven updated DMP's that are aligned to the *NSW Visitor Economy Strategy 2030*.

The DMP will also include a practical, informed and prioritised action plan split into three phases – a recovery phase to assist the industry to rebuild following recent major events including drought, bushfires and the COVID-19 pandemic and two growth phases – Momentum and Accelerate – to drive the sustainable development of the NSW regional visitor economy. The Destination Marketing Store has been engaged to deliver this project for Destination Country and Outback NSW and a workshop to progress the Plan for our region will be held on Monday 30 May 2022. If your business relies on tourists, you are encouraged to get involved in the workshop. To register for this event, please go to:

<https://www.eventbrite.com.au/e/destination-management-plan-online-workshop-bourke-brewarrina-walgett-tickets-329323755217>

Mouse Numbers

I thought we were well and truly through the mouse plague, but NSW Farmers are urging farmers to be extra vigilant in coming weeks, with more and more reports of mouse activity in paddocks. Whilst the latest official CSIRO-Grains Research and Development Corporation Mouse Update indicates patchy numbers in NSW that are generally low NSW Farmers have advised that there have been anecdotal reports of mouse numbers growing in the north of the state, and some farmers had increased baiting in an effort to get ahead of the numbers. The last thing anyone wants to see is a repeat of last year's mouse plague, so it makes sense "that if you see something, say something."

Western NSW communities were swarmed last year as a mouse plague chewed its way through millions of dollars' worth of crops, damaging farm machinery, vehicles and buildings in the process. People were sickened by 'carpets' of mice on highways, and they were even sighted in urban environments sparking fears among Sydneysiders of a rodent invasion. NSW Farmers survey last year found a third of respondents estimated losses from the mouse plague worth between \$50,000 and \$150,000, with a loss of grain and fodder having the greatest financial impact. Rural landholders are urged to report mouse activity by visiting

<https://www.feralscan.org.au/mousealert>

Law Week 2022

Today, Thursday 19 May 2022, from 9.30am -2.00pm in Central Park, Bourke, opposite the Bourke Local Court, Legal Aid NSW will be providing free legal help to Bourke residents as part of Law Week activities. Legal Aid can assist with problems like consumer scams, employment, housing, fines, funeral insurance and funeral funds, money worries, family law and kids, electricity bills, Centrelink issues, working with children checks, stolen generation reparations and unfair treatment. In addition, Legal Aid NSW is working with the NSW Registry of Births Deaths & Marriages to offer free NSW birth certificates to eligible people at the Bourke Law Week event. The number of certificates is limited, and eligibility criteria applies. For further information contact the Bourke Legal Aid Office on phone 6808 2155.

NRL in Dubbo

This Sunday, 22 May 2022, the South Sydney Rabbitohs play the Canberra Raiders in a Round 11 NRL Premiership game at Apex Oval in Dubbo. If you're a Bunnies or Raiders fan or you just enjoy your rugby league, Sunday is a perfect opportunity to watch that NRL game.....live. As I understand it, tickets are still available with plenty of information available at www.dubbo.nsw.gov.au

Tickets start at \$20 for children aged 4-15year old, whilst for adults its \$30 a ticket. Gates open at 11am with the NRL game kicking off at 2pm. Last week I was able to present two (2) game day tickets to local identity, Ian Cole, who acquired tickets to the game as part of the recent Tour de OROC auction. Provided by Dubbo Regional Council, the tickets on the night were highly sought after during the auction with spirited bidding taking place. Thanks go to Ian as the successful purchaser and to Murray Wood at Dubbo Council for providing the Grandstand tickets. Murray was very forthcoming in providing the tickets and it is pleasing to see Dubbo Council re-engaging with its "western cousin councils" after a hiatus in the relationship in recent years. As the "capital of the west", Dubbo is important to the region in terms of the goods and services it provides but vice-versa, Dubbo's strength comes as a result of the goods and services that are purchased by western residents. For instance, as I walked down Oxley Street last week, I noticed that most of the cars had been purchased in Dubbo.

Whilst talking football, albeit switching to rugby union, it is pleasing to see the prospects of the NSW Waratahs have improved considerably in recent weeks with victories, firstly over the NZ Crusaders 24-21, and then the following week, they ended a seven-year winning drought on New Zealand soil with a 26-20 victory over Moana Pasifika. After winning against the Crusaders in a very physical game, the Waratahs backed up and at the time of writing this column, have leapfrogged the Queensland Reds on the Super Rugby Pacific ladder with seven victories from 11 starts. It's a big turnaround from last years winless season, so good on them.

Budget on Exhibition

As of 9 May 2022, Councils 2023-2027 draft Delivery Program, 2022/2023 draft Operational Plan (the budget) and 2022/2023 draft Fees and Charges documents are all on public exhibition for the purposes of seeking community comment. Copies of the documentation are available on Council's website: www.bourke.nsw.gov.au Alternatively, a hard copy of such documents is available from the Council offices or from the Bourke Library, both located in Mitchell St Bourke. Submissions in respect of any of the documents closes on Monday 6 June 2022 at 4.30pm. The Local Government Act requires that Council must consider any submissions received in respect of the documentation before adopting any of the suite of documents, so I encourage the community to review the documents and have a say in respect of the direction of Council.

Federal Election Day

Saturday, 21 May 2022 is the Federal Election to elect members in the 151 seats in the lower house, the House of Representatives, and 40 of the 76 seats in the upper house, the Senate, to comprise the 47th Parliament of Australia. Please remember that voting is compulsory for citizens over 18 years of age with the polling station in Bourke on the day being located at the Bourke Public School. Polls on Saturday are open from 8.00am until 6.00pm.

Quote: "Let's do this fast boys, I've got a lot of beer to drink." Waratahs coach, Darren Coleman, fronting his post-match media conference and savouring his team's victory over the Crusaders.

Recommendation

That the information in the General Manager's Activity Report as presented to Council on Monday, 23 May 2022 be noted.

21.5 LIBRARY MANAGER'S ACTIVITY REPORT FOR APRIL 2022

File Number: L4.1
Author: Jodi Hatch, Library Manager
Authoriser: Melanie Milgate, Economic Development Manager
Attachments: Nil

Current Situation

The following items for the April 2021 - April 2022 period is presented for your information:

Item	April 2021	April 2022
Loans	594	527
New Members	26	21

Other statistical information:

	April 2021		April 2022
Internet/Word Processing	47	Internet/Word Processing	38
Wireless Tickets	5	Wireless Tickets	15
Number of Visitors	452	Number of Visitors	463
Scans	16	Scans	18
Information Requests	64	Information Requests	84
Technical Assistance	38	Technical Assistance/Printing	56
Faxes	4	Faxes/Laminating	4

- We have re-commenced our Be Connected sessions this month. These sessions aim to assist older people improve their skills with technology. Sessions are held in the library every second Thursday morning.



- Easter craft for kids was held this month, with 5 children attending.



- Dungeons and Dragons continues on a weekly basis, with 6 regular players.

- Bronwyn and Jodi visited the High School this month to talk to the students about what services the library can provide for them. We were able to demonstrate the range of eResources we have available that can help with their studies, and for leisure. Students were able to sign up on the day to access online services. The students were also given a pack with promotional resources to take home.

Recommendation

That the information in the Library Manager's Report for April 2022 as presented to Council on Monday, 23 May 2022 be noted.

21.6 TOURISM & EVENTS MANAGER'S ACTIVITY REPORT

File Number: T4.3
Author: Fran Carter, Manager Tourism & Events
Authoriser: Melanie Milgate, Economic Development Manager
Attachments: Nil

Background

The Bourke Shire Councils Tourism and Events Manager’s activity report provides Council with an updated status report for April 2022, relating to its tourism teams activities through visual data including graphs and statistic to allow for the measurement of the team’s progress and performance.

Current Situation

Back O’ Bourke Information and Exhibition Centre

Visitor numbers for April 2022 were 2323.

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Jan	448	560	325	326	302	348	386	782	1109	816	603
Feb	157	397	271	373	391	220	282	1043	386	630	725
Mar	570	1500	1051	1342	1612	1245	1274	1021	412	1389	1100
April	2144	3103	3146	3849	3118	3114	4024	3166	0	2387	2323
May	2891	3758	3988	4602	4073	3983	4770	3693	0	2564	
June	3216	4492	4275	5437	5199	4754	5634	4490	993	2366	
July	4643	5173	6241	6002	5941	5982	7614	6834	2570	1068	
Aug	4162	4410	4793	5078	4951	5051	5548	4052	1898	255	
Sept	5074	4275	4764	4489	4532	4246	4676	3601	3325	0	
Oct	3067	2383	2486	2370	2475	2463	3574	2222	5246	409	
Nov	930	789	671	610	1031	876	1014	1220	1989	866	
Dec	347	207	242	272	281	255	630	860	1194	897	
Total	27649	31044	32253	34750	33906	32537	39454	32984	19122	13647	

Back O Bourke Information & Exhibition Centre, Ben Nott –Team Leader Tourism Operations

April 2022

- The centre was opened 7 days a week for both the Café and Exhibition. April was the first time the Café has operated at full capacity for 7 days a week.
- Turnover for the centre in April was up 105 % on last month (up 52 % same period last year).
- Visitor numbers more than doubled for April with 2323 visitors to the centre compared to 1100 in March.
- Email enquiries for April were similar to last month, 60% on March.

- Incoming calls for April were up 35 % on March.
- PV Jandra started running on 15 April 2022 and operated for 6 days and ceased on the 21 April 2022 due to a rising river. 18 cruises were conducted carrying over 507 passengers. It saw exceptionally large visitor numbers over Easter.
- Exhibition Centre tickets sold in April were up approximately 130 % on March.
- Mt Oxley tickets sold were up 125% on March.
- Café turnover for April was up 120 % (up 260% on last year).

April was a really big month both here at the BOBEC as well as in town with the Easter Festival.

The garden staff were very busy and had the centre looking great for the Easter weekend. The lawns at the BOBEC were spot on for the Back O' Bourke Music sessions, Egg Hunt, Colour run and general visitors over the 4 days. We have continued with mowing, spraying, mulching and other general duties.

The Café and Information Centre also had a very big month, operating both 7 days a week for the first time this year. With the Café running on weekends, we needed extra staff to operate as the Easter Festival was in the middle of the month. We had a very busy lead up getting things ready while also running the café and centre as normal. Credit to our casual staff who stepped up and went above and beyond while on restricted hours.

Good Friday music night was a very successful event for us turning over unprecedented income in one day which included the normal centre business hours, 3 boat trips and the music concert. The staff put over 150 people on the PV Jandra and then served up close to 150 meals during the event. It was a massive team effort.

The Centre then hosted the giant Easter Egg Hunt on Sunday morning with 228 kids enjoying the hunt, with visitors and egg hunters we turned over again unprecedented income for the day.

We had 5 function centre bookings for the month of April.

We had 2 tour groups during the month, we also had Bourke Shire Council councillors and a government official for lunch.

The Crossley is still under a maintenance phase while we wait on contractors to complete the works needed. The PV Jandra captain is currently on leave and we are limited on people experienced enough to start the engine. Our plan is to have this engine running within the next month.

In all, April was a very successful month, hopefully we can continue to be busy throughout the main visitor season.

Events

The Back O' Bourke Easter Festival has been running for eight years now, initially developed to provide an opportunity for the local community to come together to celebrate Bourke's people and places. While the festival has never been formally evaluated, the staff have been able to

provide some anecdotal information based on observations and surveys completed over the festival weekend.

Attendance at previous festival weekends since 2015, saw over 4000 people at its inaugural event and since has fluctuated anywhere since from 4000 to 6000 pending seasonal conditions. The festival audience has always broadly reflected the local community and the visiting friends and relatives (VFR) market, with a growing interest by intrastate visitors attending in recent years.

There has also been an increase in the proportion of people from interstate travelling through Bourke over the Easter weekend that could be associated with the relaxation of COVID restrictions in recent years.

This year the festival was held from the 15 April to the 18 April 2022. The festival offered over 8000 free and ticketed attendances across more than 60 events in music, sporting, art and cultural events.

The Colour Run, having established itself as a festival favourite saw 404 participants run, walk or jog 5kms around the town to be dosed in an array of colourful chalk and water.

Back O' Bourke Sessions attracted a crowd of more than 300 and echoed through the Back O' Bourke Information & Exhibition Centre Café gardens on the first day of the festival. Live performances featured special guest Kevin Sullivan – "The Sulli- Vans" as seen on The Voice earlier this year and supporting act by Kaitlyn Thomas.

Other free events included the popular Street Parade—one of the biggest community events on the festival calendar had over 1000 onlookers cheering on vintage cars and fine historic machinery.

Crowds then migrated to Central Park for the Easter Markets for- loads of free entertainment with market stalls offering local art and craft, produce, plants, food and refreshments, along with the display of vintage cars and surprise visit by Easter bunny and his friends.

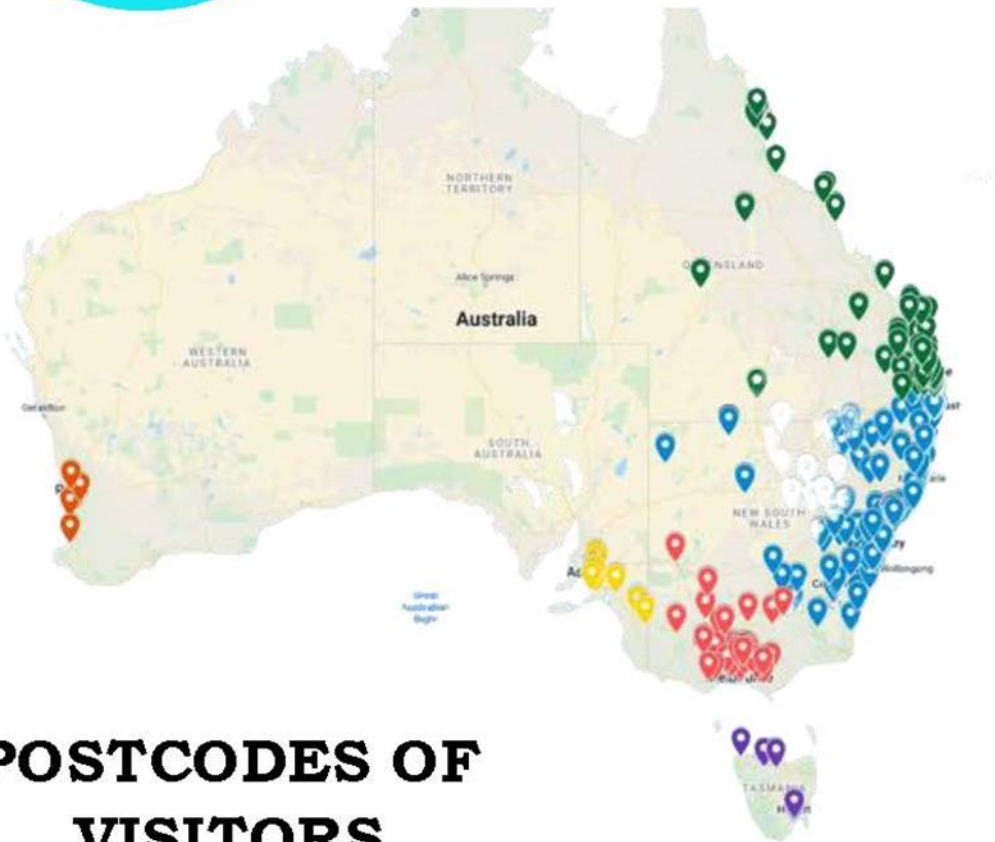
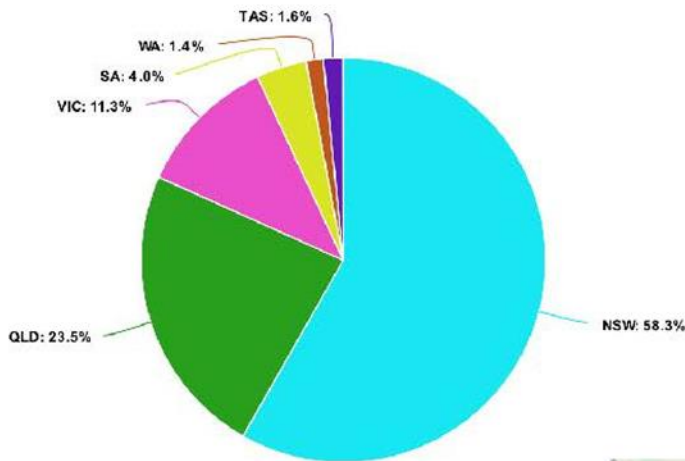
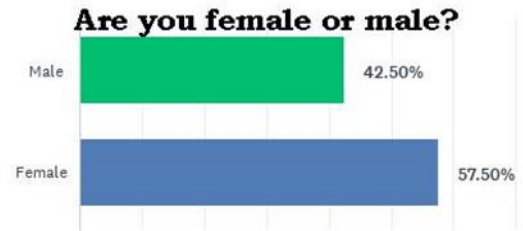
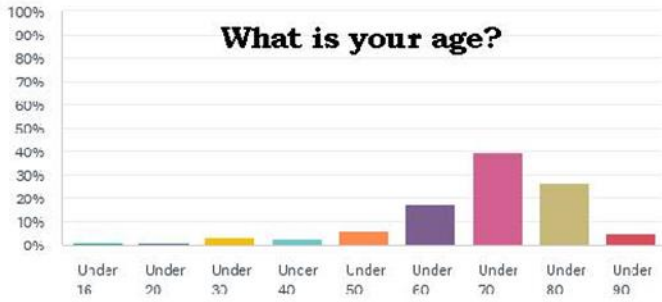
The Old Boys Rugby Union game saw a crowd of over 400 and the Back O' Bourke Picnic races with over 1600 patrons. The Easter egg hunt had over 230 children scampering through the Back O' Bourke gardens looking for the elusive Golden Eggs and collecting over 5500 Easter eggs.

Guided tours to the Cemetery and the Back O' Bourke Exhibition Centre with historian Paul Rowe were again very popular.

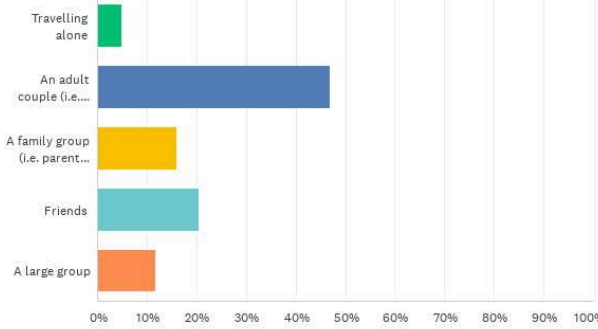
Over the weekend we were also very fortunate to have the Jandra Paddleboat back in operation after floodwaters dropped enough to operate Good Friday, Easter Saturday, Easter Sunday, and Eater Monday. Paul Roe, local historian, was also aboard the lunch time tours to commentate on the history of the boat and the river.

The growth and support again by Council is the contributing factor to the success of the festival not only hitting all targets for this year but ensuring as many people as possible were able to access the best the Back O' Bourke has to offer.

APRIL STATISTICS 2022

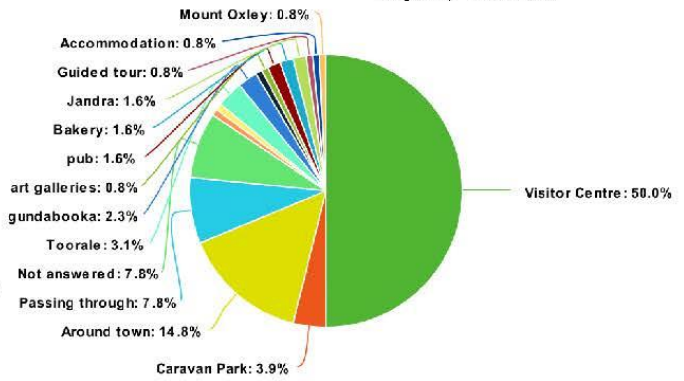


How would you describe your immediate travel party?

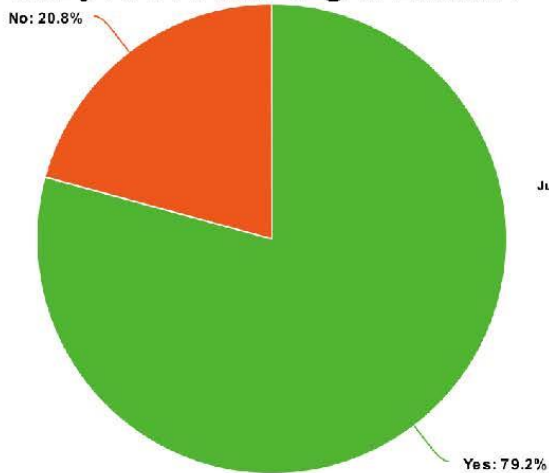


Have you been to Bourke before?

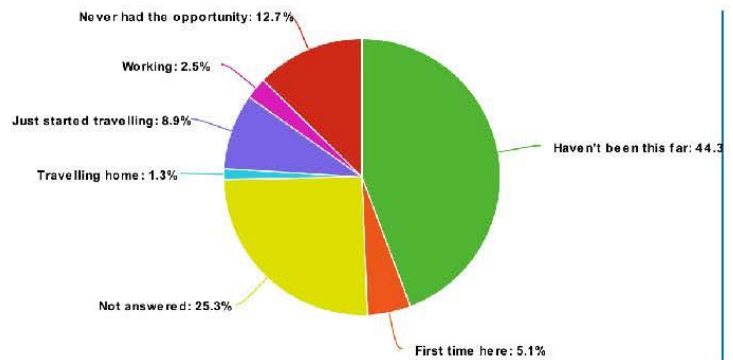
If yes, where?



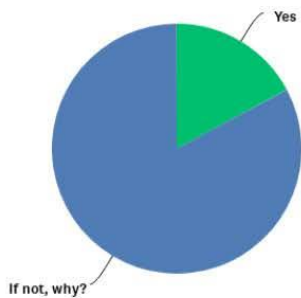
Will you be returning to Bourke?



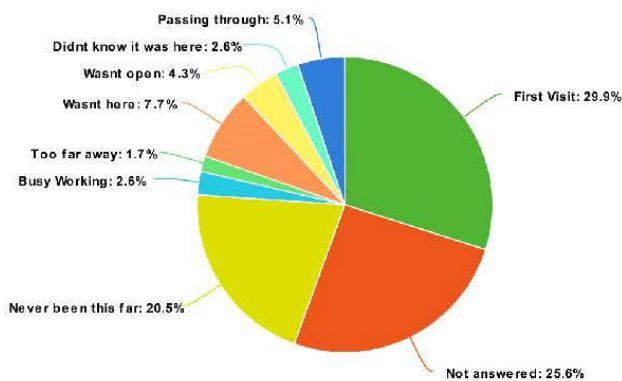
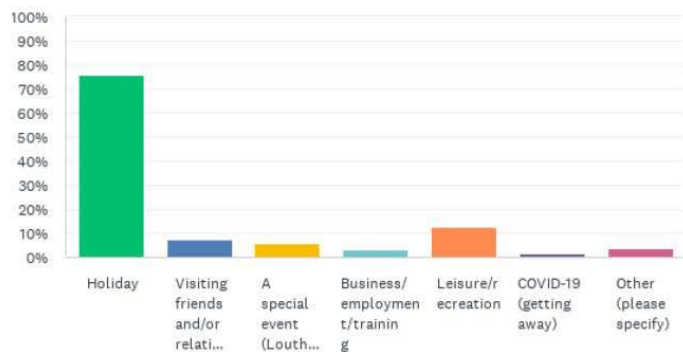
If no, why?



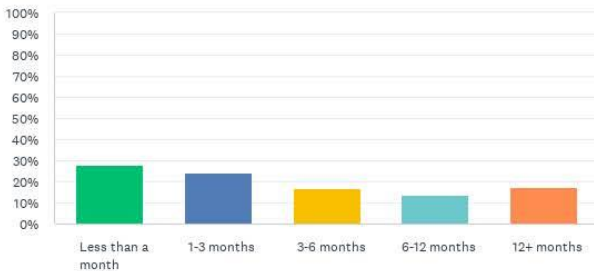
Have you been through the Back O' Bourke Centre before



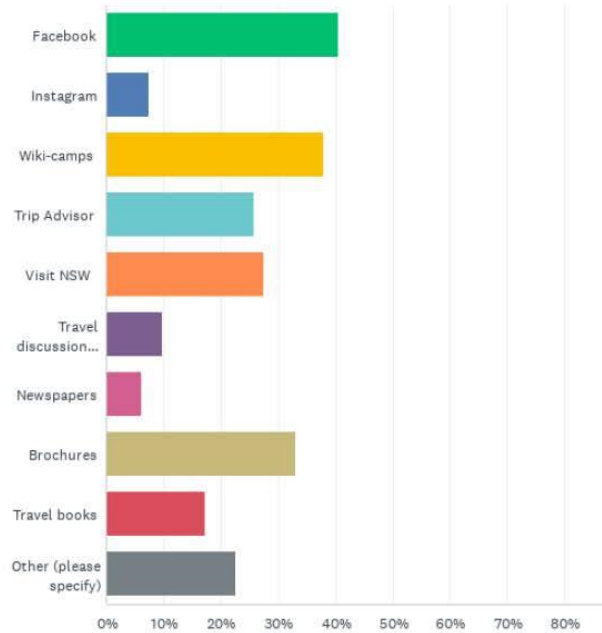
What is the main purpose of your trip?



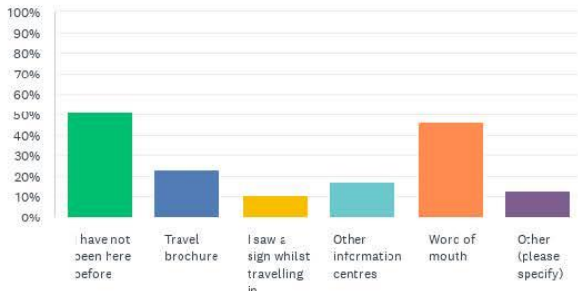
How long ago did you plan for this trip?



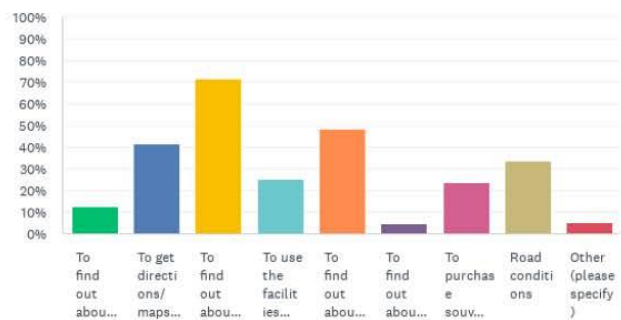
What forms of media do you use to find information?



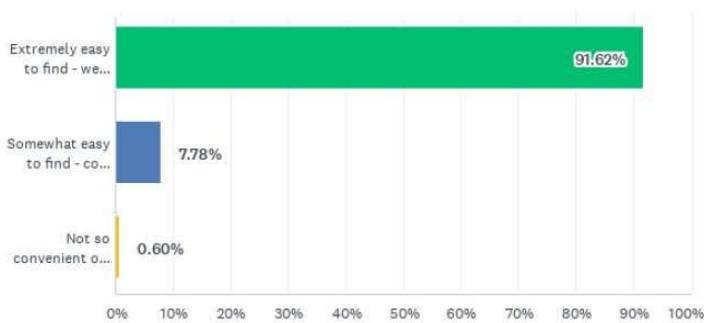
What determines your decision as to where to go?



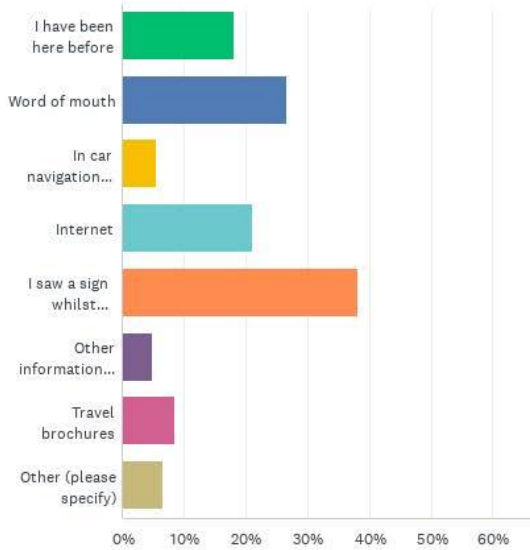
What information are you looking for at the information centre?



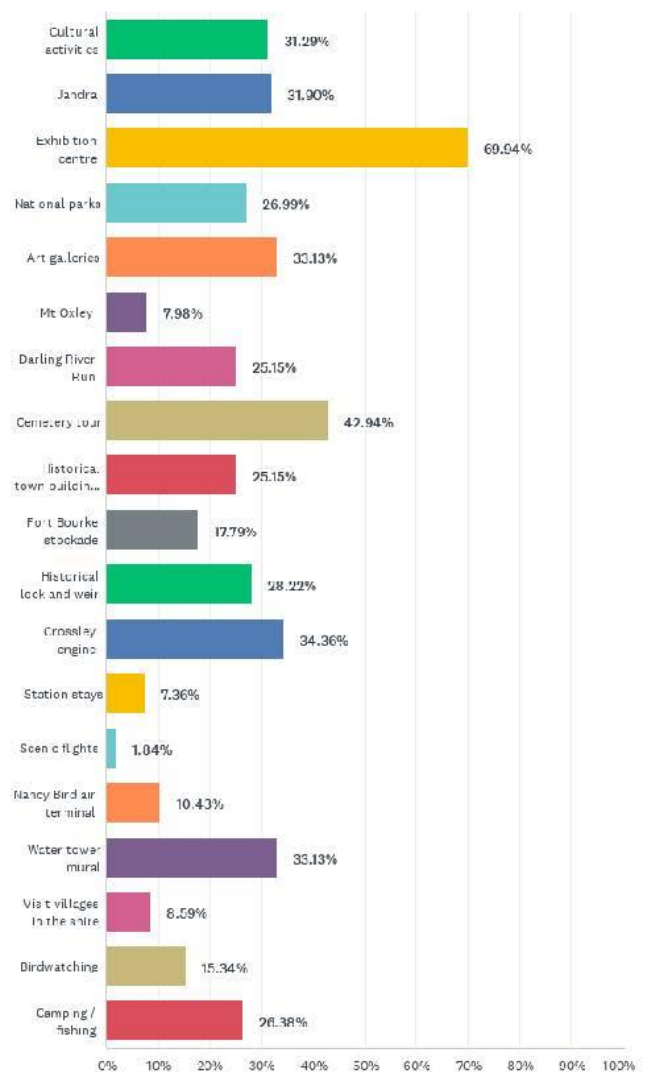
In your opinion, how easy was it to find our location?



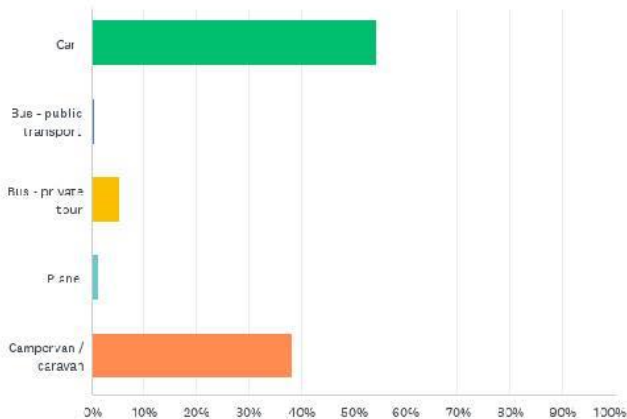
How did you find out about this information centre?



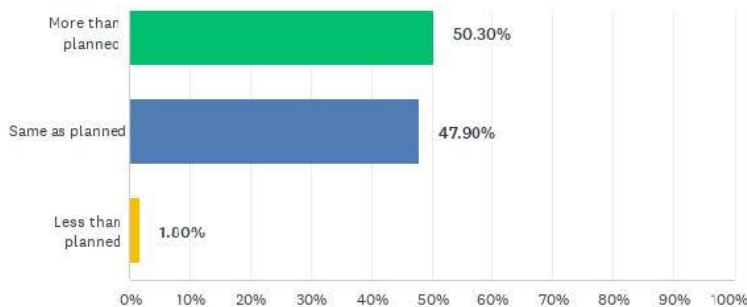
What activities have you done or plan to do during your stay?



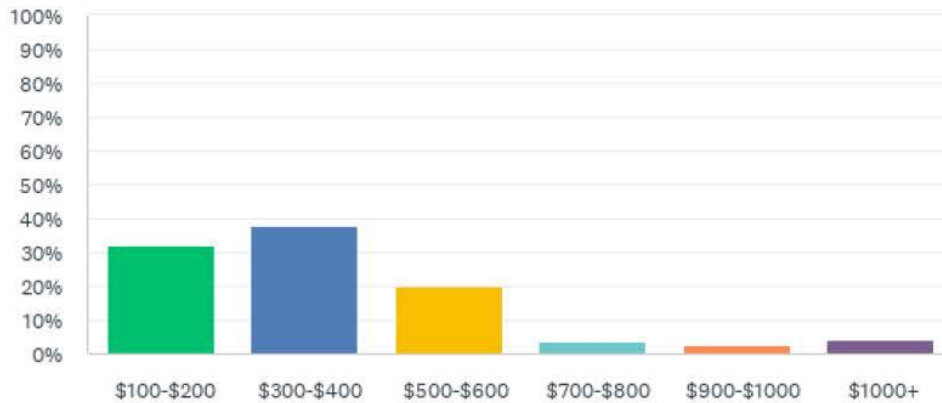
How did you travel to Bourke?



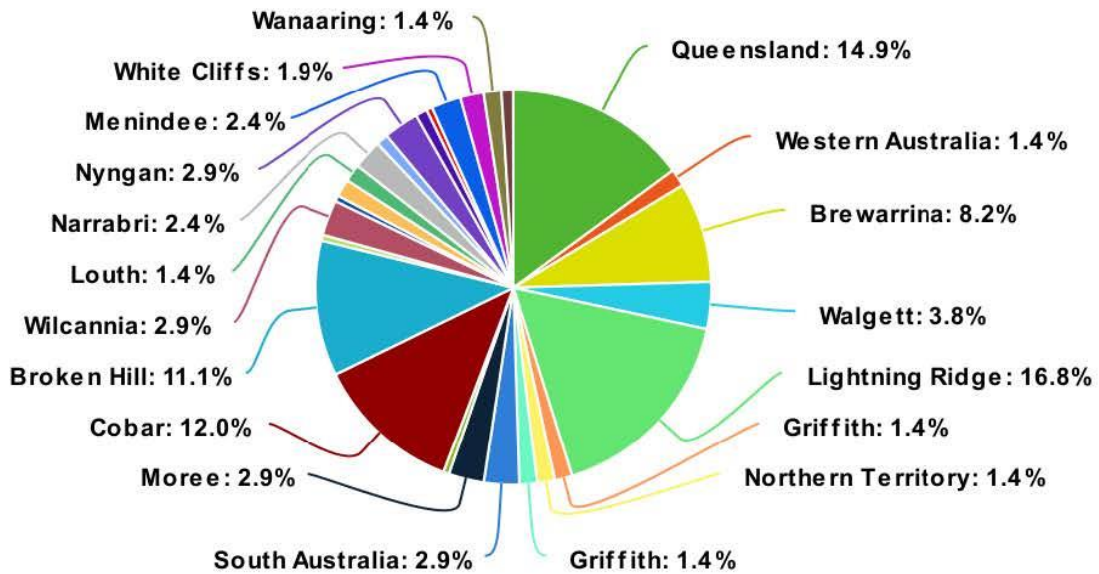
How do you think the information that you gained from the centre might influence how long you stay and the activities you do?



Over the entire stay in Bourke, how much in total, including accommodation, do you estimate you have/will spend in Australian dollars?



What towns have you visited, or are you planning to visit on this trip?



Recommendation

That the information in the Tourism and Events Manager's Activity Report for April 2022 as presented to Council on Monday, 23 May 2022 be noted.

22 **CLOSED SESSION**

Nil