



# MINUTES

ORDINARY MONTHLY COUNCIL MEETING  
COMMENCING 2.00PM

19 March 2008

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**2. OPENING OF MEETING AND PRAYER****3. PRESENT**

**COUNCILLORS:** Margaret Thomson (*Mayor*), Sue Nichols (*Deputy Mayor*), Mark King, Don McKinnon, Jim Macri, Cherie Ribarits, Brian Wakefield, Warren Ward and Bill Wheeldon.

**STAFF:** Mr Peter Kozlowski (*General Manager*)  
Mr Ken Ross (*Director, Development & Environment*)  
Mr Bill Turner (*Director, Infrastructure & Assets*)  
Ms Terri Maguire (*Director, Corporate & Community Services*)  
Mrs Jill Davidson (*Executive Assistant*)

**4. APOLOGIES AND APPLICATION FOR LEAVE**

Nil

**5. CONFIRMATION OF MINUTES****Recommendation**

That the minutes of the ordinary Council meeting held 20 February 2008 be adopted as circulated.

***Moved Crs. Ribarits and McKinnon that the minutes of the Ordinary Council meeting held 20 February 2008 be adopted subject to the recording of the mover and seconder going into open Council being Councillor Ribarits and King, the recording in the confidential minutes that discussions commenced in relation to personnel matters concerning Councillors, and the recording of a note that Councillor Ribarits alerted the meeting to the fact that such discussions should only occur in Open Council.***

**CARRIED**

**Note:** The Mayor indicated to Councillors that she is seeking legal advice on a perceived conflict of interest and enquired as to whether the Council wanted her to read the document to the Councillors inviting them to make comment. The Council declined to have the document read out.

**6. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST**

Nil declared.

**7. PETITIONS AND MEMORIALS**

Nil

**8. MAYORAL REPORTS****8.1 APPOINTMENTS BY THE MAYOR FOR FEBRUARY 2008**

Responsible Officer: Mayor  
 Principal Activity: Governance  
 Author: Executive Assistant  
 Implications: Nil  
 File & References: S268  
 Attachments: Nil  
 Separately Circ.: Nil  
 Tabled: Nil

**Recommendation**

That Council receives and notes the report.

**Purpose**

The purpose of this report is to advise Council of meetings, conferences, and appointments undertaken by the Mayor for the period up to Tuesday 18 March 2008.

**Report**

<b>Date</b>	<b>Conference/Appointment</b>
7 Feb	Meeting with prospective buyer of The Red Restaurant
13 Feb	Mayoral Meeting Fish release Wentworth Wharf in conjunction with CMA AIBG Sub-Committee meeting
14 Feb	Joint RIVROC & MurrayROC - Jerilderie
18 Feb	Citizenship Ceremony Meeting with Petronella Cavallaro
19 Feb	Meeting with Mainstreet Events committee
22 Feb	West Darling Arts meeting Broken Hill
23 Feb	Dinner with retiring Bob Behl Hay
26 Feb	Induction of School Captains Coomealla High School AIBG Sub-Committee Meeting
27 Feb	HealthOne Meeting Dareton
28 Feb	Wongumma Artists Exhibition Launch Wentworth Restrooms
29 Feb	Mildura Campus Graduation Ceremony Launch of Mildura Wentworth Arts Festival
1 Mar	Mardi Gras Mildura
2-4 Mar	Western Division Conference Cobar
5 Mar	Meeting with EO of Wentworth Balranald Rural Financial Counselling Service Dinner with Mildura tourism EO Rod Trowbridge in Wentworth
6 Mar	Morning tea for International Women's Day AIBG Travel to Darlington Point for RAMROC
7 Mar	RAMROC meeting re Water/Sewer Alliance Darlington Point
8 Mar	Launch of Mildura Wentworth Visitor Guide Mildura
10 Mar	Official opening Dockside Bridge Marina
11 Mar	Meeting with Raeleen Wattata-Drummond re Indigenous Community Leadership Submission
12 Mar	Coomealla High School Girl Savvie Mentoring System
16 Mar	"About the River" 4 birds & a Bloke – Art display – Alfred Deakin Centre
17 Mar	Mayoral Meeting Morning tea for Vi Watts 100 <sup>th</sup> Birthday
18 Mar	Sunraysia Area Consultative Committee Meeting

*Moved Crs. King and Macri that the recommendation be adopted.*

**CARRIED**

**Note:** The Mayor extended her thanks to Councillors McKinnon, Wheeldon and Nichols who attended and assisted with the birthday morning tea for Vi Watts and also thanked staff who assisted. The morning tea was a great success.

**8.2 REPORT ON WEST DARLING ARTS BOARD MEETING 22 FEBRUARY 2008 IN BROKEN HILL**

Responsible Officer: Mayor  
Author: Mayor  
Implications: Nil  
File Reference: C6/20-2  
Attachments: Nil  
Separately Circ.: West Darling Arts Strategic Priorities 2007-2009 Program  
Tabled: Nil

**Recommendation**

That the report be noted, and that the West Darling Arts Board Strategic Priorities List for 2007-09 be considered in conjunction with Council's 2008-09 Management Plan.

**Purpose**

To advise Council of the Strategic Priorities that will provide advice, assistance and work with communities, Associations and artists to develop programs and projects.

**Summary**

West Darling Arts Board has set an ambitious list of priorities for 2007-09.

**Report**

I attended the West Darling Arts Board Meeting on 22 February 2008 in Broken Hill. West Darling Arts has developed an ambitious list of Strategic Priorities for 2007-2009. Some of those priorities will only be achieved with extra government funding or commercial sponsorship. A Committee has been formed to identify sources of possible funding.

James Giddey has put in considerable effort to assist Wentworth Arts. He also organised Wentworth to be part of the big Screen Festival in Wentworth early in March. Pooncarie and Wentworth will also be included in Satellite Screenings in October.

**Policy and Management Plan Implications**

Relevant priorities will be considered in conjunction with Council's Management Plan.

**Conclusion**

N/A.

*Moved Crs. King and Ward that the recommendation be adopted.*

**CARRIED**

**8.3 REPORT ON RAMROC WATER AND SEWERAGE STRATEGIC ALLIANCE MEETING 7 MARCH 2008 IN DARLINGTON POINT**

Responsible Officer: Mayor  
Author: General Manager  
Implications: Nil  
File Reference: S304-2  
Attachments: Nil  
Separately Circ.: Report from Alliance 7/3/08  
Tabled: Nil

**Recommendation**

That the report be noted.

**Purpose**

To advise of the outcomes of the meeting.

**Summary**

The Alliance considered Ministers Rees' request for a submission on a new sustainable model(s) to take the delivery of water and sewerage services in rural NSW into the future and resolved to develop a regional council controlled corporate entity with operational control maintained by individual councils.

**Report**

The General Manager and I attended the Riverina and Murray Regional Organisation of Councils' (RAMROC) Water and Sewerage Strategic Alliance meeting in Darlington Point on 7 March. The purpose of the meeting was to respond to a call for submissions in relation to the *"Inquiry into Secure and Sustainable Water Supply and Sewerage Services for Non-Metropolitan NSW."*

The Minister for Water Utilities, the Hon Nathan Rees MP, has allowed RAMROC an extension of time to respond to the Inquiry (originally 7 March and now 30 April).

The Alliance considered options identified by the paper commissioned by the Local Government Shires Association NSW (LGSA) and a paper from the Department of Water and Energy. The LGSA paper identified nine options ranging from alliance type structures, county councils, to state controlled entities.

RAMROC Councils favoured the development of an entity that maintained operational control with individual Councils. The meeting was told that recent meetings with Minister Rees indicated that "status quo" was not an option and it was up to Councils to develop a suitable sustainable model.

A small committee of RAMROC has been asked to develop a submission for councils to consider further. As soon as the information is to hand it will be passed on to Councillors.

**Policy and Management Plan Implications**

Potentially any removal of water and sewer operation from Council will severely affect Council operations.

***Moved Crs. King and Wakefield that the recommendation be adopted.***

**CARRIED**

**NOTE:** The Mayor advised that there is a RAMROC meeting at Darlington Point on Thursday 20 March to discuss the water/sewer alliance proposal and she, with the General Manager and the Director Infrastructure & Assets will be attending.

**8.4 REPORT ON PUBLIC MEETING 12 MARCH 2008 IN DARETON**

Responsible Officer: Mayor  
Author: Mayor  
Implications: Nil  
File Reference: C6/27  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That an update from the meeting be provided.

**Purpose**

To advise of outcomes from the meeting and to consider Council's formal response to the news of the impending sale of Dareton's Supermarket.

**Report**

After the news of the impending sale of the Fishers Supermarket in Dareton the Dareton Coomealla Namatjira Community Action Team called a public meeting for 12 March 2008. I and a number of Council representatives will attend the meeting and report the outcomes back to Council.

**SUPPLEMENTARY REPORT**

Responsible Officer: Mayor  
Author: General Manager & Director Development & Environment  
Implications: Nil  
File Reference: C6/27  
Attachments: Community Action Team Agenda, Letter of 12 March to Mayor  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That an update from the meeting be provided.

### **Purpose**

To provide additional information and feedback in relation to the public meeting convened by the Dareton Coomealla Namatjira Community Action Team on 12 March 2008.

### **Report**

Attached is a copy of information distributed about the meeting on 12 March 2008 and a copy of a letter addressed to the Mayor in relation to a number of issues raised by the CAT Team.

The following questions were asked at the public meeting:-

1. Are there any housing developments that are almost ready to be developed in Dareton, that the Wentworth Shire Council can look at assisting, the application to be completed quickly?

*The Mayor responded by informing the meeting that there are no current housing development applications for Dareton with Council for consideration. She went on to advise the meeting that there is suitable zoned land in Devonport Street which is for sale and able to be developed. The subject land being 7.1 hectares has the potential to be developed into approximately 25 housing allotments. In addition to this allotment the three adjoining properties are also zoned for residential development comprising of 24 hectares of land*

2. Is the Wentworth Shire Council going to employ a combined Economic Development/Community Services person for the Shire? When? Which year?

*The Mayor responded by informing the meeting that the employment of an Economic and Community Development Officer was considered by Council late in 2007. Council decided not to pursue the position in the current economic climate and agreed that the position be reviewed further in conjunction with the deliberations on the 2008/2009 Management Plan.*

3. Can that person focus on Dareton initially so we can get some new industries into the town to help it grow?

*In relation to "can that person focus on Dareton" the Mayor responded by informing the meeting that priorities for such a position would be determined by Council, however, the current climate in Dareton provided strong reasons for such a position to deal with Dareton issues as a priority.*

The Dareton Coomealla Namatjira Community Action Team asked that their correspondence be tabled at the Council meeting for further discussion.

### **Other Issues Raised by the CAT Team**

Are there any incentives the Wentworth Shire Council can offer that would help a developer to purchase land and set up individual building blocks in Dareton? What are they?

*There are no incentives the Council can offer to help a developer to purchase land for subdivision. However, Council's Section 94 Plan has an attachment identifying financial development incentives for subdivisions.*

*The policy consists of three areas.*

- 1. Use of Bank Guarantee for works – On completion of a minimum of 50% of required works to approved standards and as required by the Development Approval, the remaining works can be bonded by way of a bank guarantee.*
- 2. Use of Deferred Payments for Headworks – Headworks fees for filtered water, unfiltered water, reticulated sewerage, storm water and open space need not be paid until the allotment has been sold or for a period of 12 months, whichever is the sooner.*
- 3. Time Payment – Headworks fees for filtered water, unfiltered water, reticulated sewerage, storm water and public open space may be paid over a three-year period, indexed to CPI.*

Is it possible for people to subdivide their current primary producing blocks into small acreages? If not, is the hold-up at the State or Local Government level? Is the Wentworth Shire Council working on getting this changed? How?

*The rural zone within the current LEP does not make provision for subdivision of land for residential style development. The current provision allows for the dwelling to be excised from the allotment, however it is unlikely that another dwelling could be erected on the balance of the land.*

*The Shire wide comprehensive LEP process will try to address the issue of acceptable standards for rural living without compromising the productivity of the rural land.*

Could the Wentworth Shire Council investigate the "building your own homes schemes" that are available in Victoria.

*Yes we could investigate, but the Director Development & Environment has no knowledge on such schemes at this point in time.*

Request to arrange a meeting with the Police, Shire and the CAT Team to consider the objections of the Police in relation to the Skate Park proposal.

*Meeting to be arranged.*

***Moved Crs. Wheeldon and King that the report, including the supplementary report, be received and noted.***

**CARRIED**

## **8.5 REPORT ON PROPOSED MEETING ON WATER RESTRICTIONS WITH MINISTER NATHAN REES 13 MARCH 2008**

Responsible Officer:	Mayor
Author:	Mayor
Implications:	Nil
File Reference:	W2/11-6
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

**Recommendation**

That the report be noted.

**Purpose**

To provide an update on the meeting and advise of a proposal to pursue more flexible watering hours in relation to level three restrictions.

**Summary**

Nil.

**Report**

Council resolved to meeting with the Minister for Climate Change and Environment in late January 2008. Since that time Minister Koperberg resigned and the Hon. Nathan Rees took over part of his portfolio.

Unfortunately the scheduled meeting with the Minister for 13 March in Sydney was not possible. As an interim measure I have attempted to arrange a meeting with department officials prior to Easter. This has proved to be not possible.

I understand that Minister Rees may be available after Easter.

In the interim I have asked the General Manager to develop more flexible water hours for Council's current water restrictions. At the writing of this report Wentworth Shire Council's argument for some level of lawn watering (also supported by the Riverina and Murray Regional Organisation of Councils) has not been responded to by the department of Water and Energy.

Verbal updates will be made at the meeting. A new proposal to vary water restriction hours will be tabled at the meeting.

**Policy and Management Plan Implications**

Nil.

**Conclusion**

Discussions are still being held with the Department of Water and Energy in relation to this Shire's water restrictions notwithstanding the difficulties encountered in meeting with the Minister.

***Moved Crs. King and McKinnon that the report be received and noted.***

**CARRIED**

**SUPPLEMENTARY REPORT**

Responsible Officer:	Director: Infrastructure & Assets
Author:	Director; Infrastructure & Assets
Implications:	Policy
File Reference:	W2/11-5
Attachments:	Nil

Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

1. That Council modifies the water restriction policy to allow watering for a maximum of 8 hours per week with property owners having flexibility to decide watering times between the hours of 6pm and 10am daily up to one hour per day for 6 days and two hours for 1 day during the period Monday to Sunday.
2. That Council monitor water usage under the new arrangements by more frequent reading of water meters where excessive use is suspected.
3. That the owner of any property with excessive usage be advised in writing and that further non-compliance be addressed by the installation of a restrictor in the raw water supply to the property concerned.
4. That excessive usage be defined as consumption in excess of 10,000 litres per week through a 20mm connection with other tapping sizes on a pro-rata basis.

### **Purpose**

The purpose of this report is consider a more flexible approach to water restrictions.

### **Summary**

Recent communication with the Department of Water and Energy has indicated that there is now some additional flexibility available in the application of water restrictions. The key requirements are that:-

- Level 3 restrictions must be met,
- A maximum of 8 hours watering per week is allowed,
- No private lawns can be watered.

### **Report**

The Department of Water and Energy has confirmed that it is possible to have flexibility in the criteria for water restrictions. The key requirements are a maximum of 8 hours per week in accordance with Level 3 restrictions and no watering of private lawns.

A more flexible approach to watering restrictions will allow individual property owners to choose their own times in which to water. This will be a major benefit to those residents who, for various reasons, had difficulty with the specified hours currently in use. It is suggested that watering should be restricted to the period between 6pm and 10am in order to avoid the hottest times of the day when watering is much less effective.

However, the more flexible approach will make monitoring of water usage more difficult, and more necessary, as watering times will now be an individual choice. The most effective means of monitoring will be to read meters more frequently at those properties where there is a possibility of non-compliance. Any water meter, depending on its size (diameter of supply pipe) will allow only a certain volume of water to pass in a particular time. However, with drippers or hand-held trigger nozzles the maximum flow will never be achieved because of pressure reduction, head loss in the pipes and fittings and the fact that a trigger will not be active for a full 8 hours of any week. Trials have indicated that two trigger nozzles have a combined maximum flow rate of around 20 litres per minute. For both trigger nozzles fully

utilized for 8 hours per week this equates to 9,600 litres per week, hence for monitoring purposes a figure a 10,000 litres per week per property is suggested. This flow rate is for a 20mm tapping. Comparative rates for different tapping sizes can be calculated readily.

It is suggested that properties found to be exceeding the defined flow rates be advised accordingly and compliance requested. If further meter readings still indicate non-compliance further advice be provided as a last chance to comply with the next step being the installation of a restrictor to reduce flow through the meter. The restricting of flow may appear to be an unreasonable step to take but, given the more flexible approach there is some expectation that the Council will take action against the small number of residents who have chosen to ignore the restrictions.

Initial meter readings indicate that around 15% of connected properties are using 80% of the water and the majority of residents (85%) would expect appropriate action to be taken.

### **Policy and Management Plan Implications**

Any decision to modify water restrictions will change current policy. Water consumption is not expected to change greatly hence there will no Management Plan implications.

### **Conclusion**

A more flexible approach to watering restrictions can be implemented. However, it will be important that Council monitors usage and takes appropriate action in the case of significant or obvious non-compliance.

### ***Moved Crs. King and McKinnon:-***

- 1. That Council modifies the water restriction policy to allow watering for a maximum of 8 hours per week with property owners having flexibility to decide watering times between the hours of 6pm and 10am daily, and***
- 2. That the owner of any property watering residential lawns or using a non-complying watering system be advised in writing that further non-compliance will be addressed by the installation of a restrictor in the raw water supply to the property concerned.***

**CARRIED**

***Councillor Macri requested that his vote be recorded against this item.***

**Note:** Councillor Nichols advised she had attended a meeting on 17 March of Mildura Tourism regarding a Navigational Signs presentation by a consultant. There was a further meeting on 18 March in Wentworth with advice from the consultant that the Shire's tourist drives are reasonably good. The results of a survey were presented with the outcome requiring more day tours. The meeting supported the idea of bringing back the "Sunraysia" branding including the two logos (Mildura Tourism & Wentworth Shire Council) to be shown on the tourist signs.

## **9. NOTICES OF MOTION**

Nil

**10. DELEGATES REPORTS****10.1 WESTERN DIVISION ANNUAL CONFERENCE 2008**

Responsible Officer: General Manager  
Author: General Manager  
Implications:  
File Reference: C6/16-6  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That the report be noted and that the following motions be ratified:

*That the Shires Association of NSW makes representations to the State Government requesting that it provides a greater weighting than is currently applied to the sustainability of rural villages and towns when making decisions about water allocations, during periods of drought or low storage levels, and that those decisions be based on economic, environmental and social factors.*

*That the Shires Association of NSW makes immediate representation to the State Government requesting that it maintains the current state-wide incentive transfer system for the appointment of teachers in NSW to ensure that rural and isolated communities continue to attract adequate, appropriate, quality teaching.*

*That the Shires Association of NSW makes immediate representation to the Federal Government seeking assurances that the \$50m water buy back plan includes adequate compensation for affective rural communities.*

**Purpose**

To provide an update of the outcomes in relation to the Conference.

**Summary**

The Western Division Annual Conference was attended by the Mayor, Councillors Wheeldon and Ward and the General Manager on 2-4 March 2008, in Cobar. There were approximately forty motions passed at the Conference and these will be passed on to the Shires Association Annual Conference in June and the balance will be dealt with directly by the Western Division Executive.

**Report**

Notable presentations were made by:

- Mr Lew Laing, Regional Manager, Western Region, Roads and Traffic Authority (to retire shortly);
- Mr John Williams MP, Member for Murray Darling;
- The Honorable Duncan Gay, MLC, Shadow Minister for Roads, Ports and Waterways;
- Mr Chris Hartcher MP, Shadow Minister for Local Government, Water Utilities; and
- Mr John Turner MP, Shadow Minister for Lands, Mineral Resources.

It was disappointing that no Minister from the State Government attended the Western Division.

Wentworth Shire Council representatives were instrumental in facilitating a strategic planning discussion in relation to the strategic directions for the Western Division Group of Councils and how the Group could achieve better results in terms of the issues by individual Councils.

The Conference resolved to engage a facilitator to run a strategic planning session for the Western Division Group of Councils at a date to be fixed.

The following motions put forward by the Wentworth Shire Council were adopted at Conference.

*That the Shires Association of NSW makes representations to the State Government requesting that it develops a policy to refund 10 cents for each recycled can or bottle.*

*That the Western Division makes representations to the State Government recommending that it provide sufficient funding to allow the Department of Planning to set up regional planning offices and thereby provide better services to rural councils in relation to planning issues.*

*That the Shires Association of NSW makes representations to the State Government requesting that it provides a greater weighting than is currently applied to the sustainability of rural villages and towns when making decisions about water allocations, during periods of drought or low storage levels, and that those decisions be based on economic, environmental and social factors.*

*That the Shires Association of NSW makes immediate representation to the State Government requesting that it maintains the current state-wide incentive transfer system for the appointment of teachers in NSW to ensure that rural and isolated communities continue to attract adequate, appropriate, quality teaching.*

*That the Shires Association of NSW makes immediate representation to the Federal Government seeking assurances that the \$50m water buy back plan includes adequate compensation for affective rural communities.*

*That the Shires Association of NSW makes immediate representation to the State Government seeking a review of the processes involved in accrediting doctors in NSW with a view to speeding up the accreditation process.*

The last three motions were submitted to the Conference after Council's last meeting and, therefore, require ratification.

### **Policy and Management Plan Implications**

Policy

### **Conclusion**

The Western Division Annual Conference continues to advocate on a broad range of issues for the thirteen representative Councils. It was disappointing to see that no Government Ministers attended the Conference, as in previous years. The Conference resolved to review its strategic direction and to engage a facilitator to progress the review.

*Moved Crs. King and Wheeldon that the recommendation be adopted.*

**CARRIED**

**10.2 REPORT ON FLOODPLAIN MANAGEMENT AUTHORITES CONFERENCE  
WOLLONGONG 28 FEBRUARY 2008**

Author: Councillor Bill Wheeldon  
File Reference: C6/6-4  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That the report be received and noted.

**Purpose**

To advise Council of the recent Floodplain Management Authorities Conference held in Wollongong on 28 February 2008 and attended by Councillor Bill Wheeldon and Director Infrastructure & Assets Mr Bill Turner.

**Report**

Bill Turner and I attended this conference and it was very informative.

The FMA is still battling to retain Federal and State Government funding for flood mitigation. Wentworth should be represented because we may well need flood mitigation work at Buronga and Gol Gol when our flood studies are completed.

We are still getting very favourable comments about the Wentworth floodplain conference which was held over 10 years ago. Wollongong Council has been sacked. Bill Turner and I sat at the table of knowledge - a laminex table with six plastic chairs, where outside a kebab shop the lady Town Planner and the Developers did their deals.

Wollongong has a budget of \$117,000,000 and some of their flood structures are very elaborate, one footbridge we inspected could, I believe, carry a semi trailer.

The section that handles flood mitigation in the Department of Water & Climate Change has been reduced from 36 persons to I think 17 people so the future looks grim in floodplain management and the Floodplain Management Authorities is more important than ever.

The guest speaker Al Goodman was from USA, where they have National Flood Insurance (bankrolled by the US federal government). When speaking about the State Emergency Service, he stated that there were no volunteer groups like that in the United States.

There were for the first time I remember, no politicians at the conference – maybe they knew that the Council was going to be sacked. The history of the Floodplain Management Authorities has just been published and Wentworth is included in it – they started in about 1960, and Bill Turner is bringing one back for the Shire Library.

There is movement both ways, about building on the floodplain. Some Councils want to lower it to a 20 year height and some wanted a 1/200 year height. In Wentworth's case it would mean another 7 feet (say 2 metres) on our 1/100 year flood height – not to be contemplated.

At the NSW University, Engineers can do a unit on Flood Mitigation which counts as part of their degree, which is a first in Australia.

Lastly Wollongong has done some house raisings, but we believe that this would have a very limited application in the Wentworth Shire.

Thank you for letting us attend, as we believe this conference will be valuable to the Shire well into the future.

Respectfully submitted, Councillor Bill Wheeldon

***Moved Crs. Wheeldon and Ward that the recommendation be adopted.***

**CARRIED**

## **11. COMMITTEE MEETING REPORTS**

### **11.1 REPORT ON THE WENTWORTH REGIONAL TOURISM INC. MEETING HELD 4 FEBRUARY 2008**

Author:	Wentworth Regional Tourism Inc.
Implications:	Nil
File Reference:	E1/12-7
Attachments:	Minutes of WRTI 4 February 2008
Separately Circ.:	Nil
Tabled:	Nil

#### **Recommendation**

That Council receives and notes the minutes of Wentworth Regional Tourism Inc. meeting held 4 February 2008.

#### **Purpose**

To advise Council of the business undertakings of Wentworth Regional Tourism Incorporated.

#### **Summary**

The minutes of the WRTI Committee meeting which were held on 4 February 2008 at Mason's Restaurant are submitted for the information of Council and include the following:-

- General Business
- Items for Discussion – "Famil" itinerary for Journalists visiting Wentworth 9-12 March 2008, Great Outdoors visit, and a Tourism package of a 4 night stay in Wentworth.

#### **Report**

The minutes are self explanatory.

*Moved Crs. King and Wakefield that the recommendation be adopted.*

**CARRIED**

**11.2 REPORT ON 150 YEARS CELEBRATION OF THE TOWNSHIP OF WENTWORTH MEETINGS**

Responsible Officer: General Manager  
Author: General Manager  
Implications: Budget, Community Service  
File Reference: E7/12  
Attachments: Minutes 5/3/08  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council receives and notes the report.

**Purpose**

To advise Council of the progress of the 150 Years Celebration of the Township of Wentworth Committee.

**Summary**

The minutes of the 150 Years Celebration of the Township of Wentworth Committee meeting which were recently held on 5 March 2008 are submitted for the information of Council and include the following:-

- Discussions with DSRD re funding availability
- National Trust statue commemorating the Egge family
- Draft program including closing of Darling Street for free walk between venues, "Running of the Sheep", recreating a scene from photograph at the wharf (horse team, camel team, bullock team, donkey team), PS Ruby at the wharf, quick shear, wool classing, displays, entertainment for children, wool shed dance at the Showgrounds with a marquee, town crier, church service, breakfast at the Wharf, street display "Wentworth Walk", business shop front displays and owners dressing up, river pageant, market and picnic atmosphere
- Wentworth Primary School to undertake competition for logo to be used on stationery, programs, banners, t-shirts, car stickers etc.
- Involvement of Barkindji and other indigenous groups

**Report**

The minutes are self explanatory

*Moved Crs. King and Nichols that the recommendation be adopted.*

**CARRIED**

### **11.3 REPORT ON THE FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD WEDNESDAY 19 MARCH 2008**

Responsible Officer:	Director Development & Environment
Author:	Director Development & Environment
Implications:	Policy
File Reference:	DA08/08
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

#### **Recommendation**

That Council approves the erection of a dwelling on Lot 1, DP 108407, Parish of Wangumma in relation to matters associated with the flood plain subject to the following conditions:

1. The floor level of the habitable area of the proposed dwelling shall be a minimum of 750mm above the 1% AE flood level.
2. This permit does not authorise any filling on the floodplain, other than filling required to raise the floor level of the proposed dwelling and that required by the Shire of Wentworth's Policy for "Earthworks Landfill for Structures on the floodplain".
3. The material to be used as fill, is to be clean and is not to contain refuse, building material, hazardous or contaminated waste. Any fill, placed under the proposed dwelling or within three metres of the dwelling shall be in accordance with the Shire of Wentworth's Policy for "Earthworks Landfill for Structures on the floodplain". The fill is to be compacted to 95% Australian Standard Compaction Test 1289.
4. A certificate from a qualified structural engineer certifying:-
  - (a) the structural stability of the mound in accordance with paragraph "b" of Council's Policy for earthworks landfill for structures on the floodplain.
  - (b) The soil classification of the building site (mound) and the design and structural adequacy of the reinforced concrete floor slab to be constructed on the mound is to be submitted.
5. As the dwelling is to be erected on the floodplain, Council cannot and will not guarantee access in times of high rivers.
6. As the dwelling is to be erected on the floodplain and sewer is not available to the site the wastewater system shall be an approved aerated water treatment type.

#### **Purpose**

To advise Council of the recommendations of the Floodplain Management Committee meeting held on 19 March 2008.

***Moved Crs. McKinnon and Wheeldon that the recommendation be adopted.***

**CARRIED**

**Note:** Councillor Ribarits advised that Council no longer had representation on the Riverwatch Committee. She advised that she had received an invoice and that the matter of representation on Riverwatch should be discussed at the next meeting of Council.

## **12. OFFICERS' REPORTS**

### **12.1 PRINCIPAL ACTIVITY: GOVERNANCE**

#### **12.1.1 Community Consultation Meetings**

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Policy, Management Plan
File Reference:	C3/19
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

#### **Recommendation**

That Council notes the dates and venues of the Community Consultation Meetings.

#### **Purpose**

To publicise three community consultation meetings to be held in Dareton, Wentworth and Buronga/Gol Gol.

#### **Summary**

Self explanatory.

#### **Report**

The Community Consultation Meetings build on those held in 2007. The meetings are an important part of the management planning process. The following dates and venues have been organised:-

- Thursday 3 April – Dareton Senior Citizens Centre
- Tuesday 8 April – Wentworth Town Hall
- Thursday 10 April – Midway Community Centre

The consultation meetings will provide an update on Council's Major Projects and Capital Works Program, including considerations for next year, issues for council to consider during the management planning process, details of the management planning process, opportunities for community feedback and questions.

#### **Policy and Management Plan Implications**

The meetings will no doubt raise matters for Councillors and managers to consider in terms of short and long term planning.

#### **Conclusion**

The previous meetings were beneficial and the level of community understanding on the issues raised was increased.

***Moved Crs. Wakefield and Ribarits that the recommendation be adopted.***

**CARRIED****12.1.2 Resource-Sharing Meeting With Central Darling And Balranald Councils**

Responsible Officer: General Manager  
Author: General Manager  
Implications: Operations  
File Reference: G3/1-1  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That the report be received and noted.

**Purpose**

To provide an update on the Resource Sharing Meeting No.2 held with Balranald and Central Darling Shires at Cobar on 3 March 2008.

**Summary**

The second resource sharing meeting identified a number of areas to be pursued further with a view to assessing benefits for individual councils.

**Report**

The second resource-sharing meeting was held in Cobar and attendees included the Mayors and Senior Management from Wentworth, Balranald and Central Darling Shires.

At the first meeting issues of attendances at conferences, library and staffing issues, the purchasing process and Councils' road networks were discussed.

The second meeting looked at the following issues:

- The drafting of a memorandum of understanding with the three Councils in relation to resource sharing;
- A skills audit for each of the Councils;
- The benefits of staff discussions with their counterparts in other Councils in terms of processes and practices;
- Monitoring of Department of Local Government promoting best practice program audits across the three Councils; and
- Possible IT sharing.

The third meeting of the resource-sharing group is likely to occur in conjunction with the Shires Association Annual Conference in June.

**Policy and Management Plan Implications**

Nil.

**Conclusion**

Nil.

***Moved Crs. Nichols and McKinnon that the recommendation be adopted.***

**CARRIED****12.2 PRINCIPAL ACTIVITY: ADMINISTRATION & CORPORATE SERVICES****12.2.1 Financial Report**

Responsible Officer: Director Corporate & Community Services  
 Author: Administration Manager  
 Implications: Financial  
 File & References: S501  
 Attachments: Nil  
 Separately Circ.: Nil  
 Tabled: Nil

**Recommendation**

That Council receives and notes the financial report.

**Purpose**

The purpose of this report is to indicate to Council the position in relation to the rate collection, balance of the cash books and investment of surplus funds.

**Summary**

This report indicates to Council the position in relation to the rate collection, balance of the cash books and investment of surplus funds.

**Report****Collection Of Rates And Charges**

Collections for the month of February 2008 were \$891,502.19 After allowing for pensioner subsidies, the total Rates and Charges collected are now 65.94% of the levies. A summary of the Rates and Charges situation as at 29 February 2008 is as follows:-

<u>Levies</u>		
Balance Outstanding at 30 June 2007	853,771.75	
Rates & Charges Levied 14 July 2007	5,332,181.23	6,185,952.98
+ Additional Water Charges	804,828.55	
+ Supplementary Rates & Charges	139,628.24	
+ Additional Charges	40,762.63	
- Credit Adjustments	34,964.66	
- Farmland 20% capped	2,556.72	
- Abandonments	341.21	947,356.83
		7,133,309.81
<u>Deductions</u>		
- Payments	4,548,880.22	
- Less Refunds of Payments	2,053.35	4,546,826.87
- Pensioner Subsidy:-		
Government Subsidy	86,463.41	
Council Subsidy	70,734.81	157,198.22
Total Rates/Water Charges Outstand		\$2,429,284.72

Note: For comparison purposes 68.46% of the levy had been collected at the end of February 2007.

Reconciliation And Balance Of Funds Held As At 29 February, 2008

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 29 February 2008 and the investments have been made in accordance with the Act, the regulations and Council's investment policies.

Combined Bank Acc.

Cash Balance as at 1 February, 2008 \$1,581,917.21 Dr

Add: Receipts for Period Ending 29 February 2008  
Rates, Debtors, Miscellaneous 1,947,310.29

Less: Payments for Period Ending 29 February 2008  
Cash Book entries for this Month 1,188,234.47

Cash Balance As At 29 February 2008 \$2,340,993.08 Dr.

Investments

Bank	TD/C.Bill		
LGFS	FI 60 days @ 7.29% due 31/03/2008	967,635.41	
SGE Credit Union	TD 62 days @ 7.43% due 10/03/2008	1,200,000.00	
Savings & Loan Credit Union	TD 60 days @ 7.38% due 14/03/2008	1,300,000.00	
SGE Credit Union	TD 60 days @ 7.73% due 04/04/2008	1,000,000.00	
Bank West (Sydney) Bank	TD 62 days @ 7.32% due 07/04/2008	1,500,000.00	
SGE Credit Union	TD 62 days @ 7.81% due 14/04/2008	1,300,000.00	
Bendigo Bank	TD 60 days @ 7.61% due 15/04/2008	2,000,000.00	9,267,635.41
<b>TOTAL</b>			<b>\$11,608,628.44</b>

Commitments

Details	Amount	
<b>Internal Restrictions</b>	\$	\$
- Employee Entitlements	1,184,079	
- Doubtful Debts	129,946	
- Tip Remediation	125,950	
- Future Development Reserve	298,138	
- Murray Street Acquisition	200,000	
- Plant Replacement Reserve	348,230	
- Water Fund	1,599,839	
- Sewer Fund	616,754	
<b>Total Internal Restrictions</b>		<b>4,502,936</b>

<b>External Restrictions</b>		
- Trust	283,926	
- Developer Contribution Reserve	598,599	
- Unexpended Grants	1,932,723	
Total External Restrictions		2,815,248
Total Commitments as at 29 February 2008		7,318,184

#### Policy and Management Plan Implications

Indicates the financial position of the Council with respect to income and expenditure, reserves, and investments.

#### Conclusion

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

***Moved Crs. Macri and McKinnon that the recommendation be adopted.***

**CARRIED**

### **12.3 PRINCIPAL ACTIVITY: PUBLIC ORDER AND SAFETY**

#### **12.3.1 Suspension Of Alcohol Free Zone – Paddle Steamer Ruby, Board Of Management**

Responsible Officer: Director - Development & Environment  
 Author: Director - Development & Environment  
 Implications: Policy  
 File & References: L2/6  
 Attachments: Map  
 Separately Circ.: Nil  
 Tabled: Nil

#### **Recommendation**

That Council suspends the operation of the alcohol free zone in the area of Wharf Reserve on the day of March 22<sup>nd</sup> 2008 and advertise the fact in a locally circulating newspaper.

#### **Purpose**

The purpose of this report is for Council to suspend the operation of the alcohol free zone in Wharf Reserve Wentworth March 22<sup>nd</sup> 2008.

#### **Summary**

Council is in receipt of a request from the Paddle Steamer Ruby, Board of Management to suspend the operation of the alcohol free zone in Wharf Reserve Wentworth for a function in the form of a dinner for the Austin Seven Vintage Car Club, which is holding a rally to Wentworth during the Easter weekend.

**Report**

The Council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol free zone by publishing notice of suspension in a newspaper circulating in the area that includes the zone concerned. During the period indicated in such a notice as the period of suspension, the zone does not operate as an alcohol free zone.

For the purpose of this report, the area identified in the attached map, being the area known as Wharf Reserve will not operate as an alcohol free zone for the entire day of March 22<sup>nd</sup>, 2008.

**Conclusion**

Council may suspend the operation of an alcohol free zone for a specified period by resolution and advertising the fact in a locally circulating newspaper.

***Moved Crs. McKinnon and Ward that the recommendation be adopted.***

**CARRIED**

**12.3.2 Library – Unattended Children Policy**

Responsible Officer:	Director Corporate & Community Services
Author:	Library Manager
Implications:	Policy
File Reference:	C7/14-3
Attachments:	Library – Unattended Children Policy
Separately Circ.:	Nil
Tabled:	Nil

**Recommendation**

That Council adopts the Library – Unattended Children Policy.

**Purpose**

To present a new policy for adoption.

**Summary**

Self explanatory

**Report**

The library's Children's policy, which encompasses all elements of library service to young people, is based on the Children's Policy Guidelines for NSW Public Libraries. These guidelines are currently awaiting Crown Solicitor advice, following changes to the Library Regulation, and policy changes at the NSW Commission for Children and Young People.

Due to perceived problems with unattended children within the Wentworth Library Service, it was deemed timely to develop the Unattended Children Policy now, and

this policy will be reviewed along with the remainder of the Children's Policy once advice has been received from the Crown Solicitor.

### **Policy and Management Plan Implications**

Policy.

### **Conclusion**

This policy covers children in the libraries specifically, and will be a part of the Library Services Children's Policy.

***Moved Crs. Nichols and King that the recommendation be adopted.***

**CARRIED**

**Note:** Councillor Nichols raised the issue of whether there were penalties involved for offenders and it was agreed that the Director Corporate & Community Services will investigate this matter.

### **12.3.3 Companion Animal Management Plan**

Responsible Officer: Director - Development & Environment  
Author: Director - Development & Environment  
Implications: Policy  
File & References: S177 - Local Government Reform - Promoting Better Practice - Item 2.53  
Attachments: Draft Management Plan  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That Council adopts the Companion Animal Management Plan

### **Purpose**

The purpose of this report is for Council to adopt the draft Companion Animal Management Plan as attached. Council should be satisfied that the content is suitable for the particular circumstances applicable to Wentworth Shire Council. The plan has been available for public comment, with no submissions received.

### **Summary**

The implementation of a Companion Animal Management Plan fulfils the statutory responsibilities under the Companion Animals Act 1998. The requirement for a Companion Animal Management Plan is also identified in the Local Government Reform - Promoting Better Practice checklist.

### **Report**

While meeting the statutory requirements of the Companion Animals Act 1998, the Companion Animal Management Plan aims to achieve high levels of responsible pet ownership through consultation with the community. This plan has been produced to

manage key issues surrounding companion animals and to provide guidance for the attainment of identified goals.

Part 1 of the plan provides the strategic framework for key areas. It examines the relevant issues and responsibilities in relation to the management of companion animals.

Part 2 states the action plans to achieve the identified objectives and goals as outlined in the strategic framework.

The format of the draft plan is consistent with the Department of Local Government guidelines.

The Draft Management Plan was available for public comment for a period of 28 days in which time nil submissions were received. However the document has been modified from the original Draft to correct some inconsistencies.

### **Policy and Management Plan Implications**

Following the adoption of the document it will be a Council strategy for which the direction is set for the officers of Council to adhere to in the circumstances identified in the plan.

### **Conclusion**

The aim of implementing a Companion Animal Management Plan is to provide Council with guidance to Council in relation to fulfilling its statutory responsibilities under the Companion Animals Management Act 1998. This is achieved by setting clear objectives and priorities and a program of implementation.

***Moved Crs. Wheeldon and Wakefield that the recommendation be adopted.***

**CARRIED**

**Note:** Councillor Ribarits raised the matter of leash free areas and indicated there should be allocated areas that already exist within the Shire and that these pre-existing areas could be utilised with the inclusion of “conditions of use” and it was agreed that the Director Development & Environment determine the appropriate leash free areas.

### **12.3.4 Dareton – Alcohol Free Zone**

Responsible Officer:	Director - Development & Environment
Author:	Director - Development & Environment
Implications:	Policy
File & References:	L2/6
Attachments:	Map
Separately Circ.:	Nil
Tabled:	Nil

### **Recommendation**

That Council adopts the Dareton alcohol free zone identified by the attached map.

### **Purpose**

The purpose of this report is for Council to adopt the re-establishment of the alcohol free zone currently in place in the town of Dareton for a period of three years.

### **Summary**

Currently the Dareton Alcohol Free Zone is in force, due to expire on 17<sup>th</sup> April 2008. In accordance with the provisions of the Local Government Act an alcohol free zone may be re-established from time to time for further periods each not exceeding 3 years.

### **Report**

In the process of this re-establishment of the alcohol free zone Council has undertaken public consultation in the following form:

- By notice published in a newspaper circulating in the area that includes the zone declare the proposal to re-establish the zone indicating the location of the zone and the proposed period for which it will operate,
- Invite representations and objections from persons and groups within the area,
- Provide a copy of the proposal to:
  - The officer in charge of the police station within the zone
  - Each holder of a licence in force under the Liquor Act 1982 for premise that border on, or adjoin or are adjacent to the alcohol free zone
  - Each secretary of a registered club under the Registered Clubs Act 1976 that borders on, or adjoins or is adjacent to the alcohol free zone

The closing date for submissions is March 18. At the time of writing this report there had been no submissions received. Any received between now and the Council Meeting will be tabled at that meeting.

### **Conclusion**

The Dareton alcohol free zone in Dareton is due to expire on 17 April 2008. The re-establishment of the zone is permissible under the provisions of the Local Government Act 1993.

***Moved Crs. Nichols and King that the recommendation be adopted.***

**CARRIED**

#### **12.4 PRINCIPAL ACTIVITY: HEALTH SERVICES**

#### **12.5 PRINCIPAL ACTIVITY: COMMUNITY SERVICES**

#### **12.6 PRINCIPAL ACTIVITY: HOUSING AND COMMUNITY AMENITIES**

##### **12.6.1 Development Applications Determined Under Delegated Authority**

Responsible Officer:	Director - Development & Environment
Author:	Director - Development & Environment
Implications:	Local Government Reform - Promoting Better Practice - Item 2.18
File & References:	L1/8-2

Attachments: Nil  
 Separately Circ.: Nil  
 Tabled: Nil

### Recommendation

That Council receive and note the report.

### Purpose

The purpose of this report is to provide Council with a list of development applications approved under delegated authority by the Director Development & Environment for the month of February 2008.

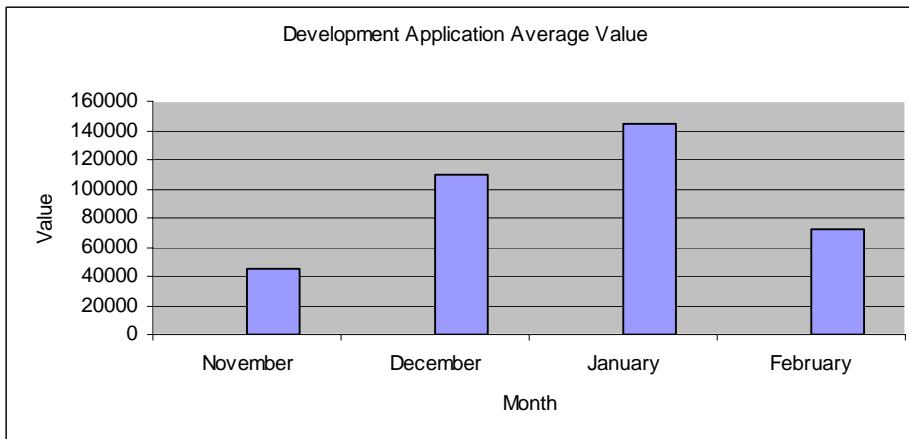
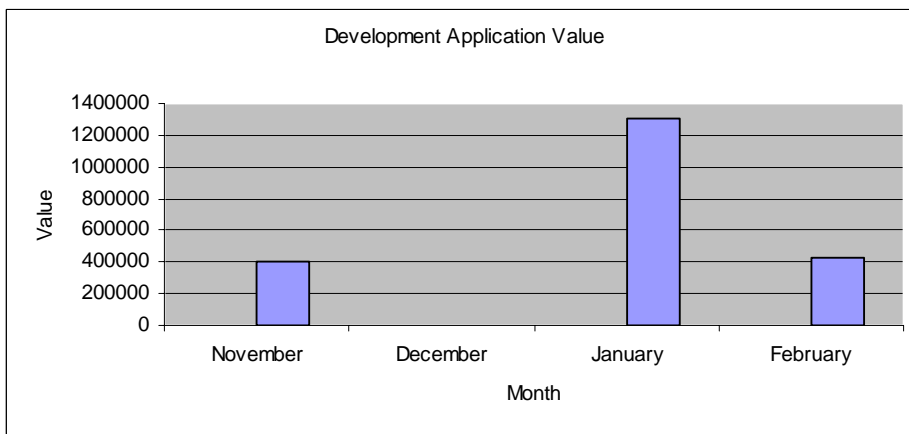
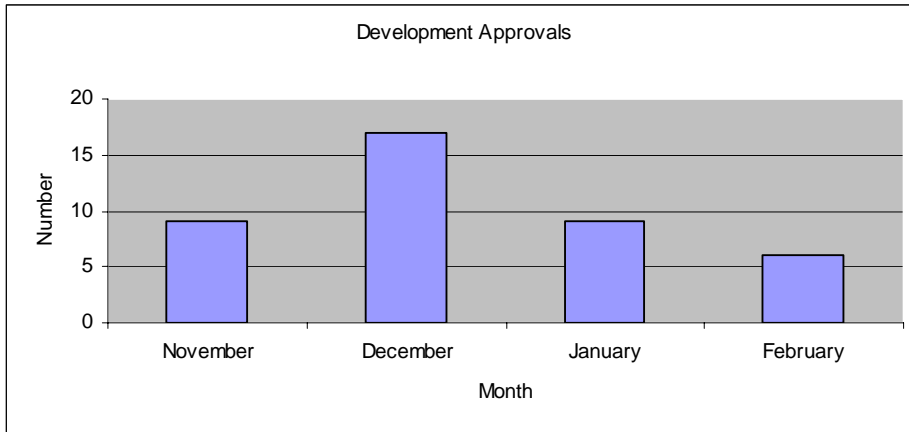
### Summary

For the month of February there were 6 Development Applications approved under delegated authority by the Director - Development & Environment. The estimated cost of the approved developments is \$432,000. The following data and graphs indicate comparison of value for previous months of this financial year.

### Report

DA No	Owner / Applicant	Location	Development Type & Value	Date Approved
183/07	McGuigan Simeon Wines Pty Ltd	Govt. Road Pomona	Pumping Station Infrastructure (\$400,000)	16
08/014	Wentworth Shire Council	Lot 2 DP 817572 Silver City Highway Wentworth	Chemical Shed (\$5000)	4
08/012	Dareton Local Aboriginal Land Council	Lot 12 DP 758338 Sturt Place Dareton	Demolition of Dwelling (\$9500)	20
08/017	RWG & EM Jolley	Lot 163 DP 257185 Wentworth	Multi purpose shed (\$12,500)	13
185/07	Gol Gol Creek Growers Association	Crown Land adjacent to Lot 3 DP 758456 Gol Gol	Legalize existing regulator	56
08/007	Brent Williams & Associates (Trustees of the Diocese of Wilcannia Forbes/Wentworth Parish)	Lot 1 DP 724344 (10) Short Street Wentworth	Repairs to Brickwork (\$5000)	35

Month	DA's Approved	Value	Average
November	9	\$402,990	\$44,777
December	17	\$1,866	\$109,769
January	9	\$1,302,116	\$144,680
February	6	\$432,000	\$72,000
Total	41	\$2,138,972	\$371,226



***Moved Crs. Wakefield and King that the recommendation be adopted.***

**CARRIED**

**12.6.2 Proposed Rural Dwelling – Lot 4 DP 23113 Amaroo Road Boeill Creek.**

Responsible Officer: Director Development and Environment  
 Author: Director Development and Environment  
 Implications: Policy

File & References: DA172/07  
Attachments: Previously circulated  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That Council refuse the application lodged by Freeman & Freeman on behalf of AJ & JI Metcalfe for a rural dwelling on Lot 4 DP 23113 having given consideration to the relevant standards and objectives for rural development in accordance with the Wentworth Shire Council Local Environmental Plan 1993 and the Floodplain Management Plan. The reasons for refusal are:

- (1) The proposal does not satisfy the objectives to promote the proper management and utilization of resources by protecting, enhancing and conserving agricultural land in a manner which sustains its efficient and effective agricultural productions potential and prevent the unjustified development of prime crop and pasture for purposes other than agriculture.
- (2) The site is designated Floodway and High Hazard in accordance with the Floodplain Management Plan Gol Gol to Abbotsford Bridge and development is either prohibited or restricted in these areas.
- (3) Does not comply with the standards of Clause 16 subclauses 1-5 of the Wentworth Shire Council Local Environmental Plan 1993.
- (4) There is no rural land use relationship between the proposed dwelling and the land.
- (5) The holding has the benefit of a rural dwelling and there are no provisions for any further dwellings to be constructed.

### **Purpose**

The purpose of this report is for Council to determine an application for a rural dwelling on Lot 4 DP 23113 Amaroo Road, Boeill Creek lodged by Freeman & Freeman, Land Surveyors on behalf of AJ & JI Metcalfe.

### **Summary**

A development application was received at Council on the 7 November 2007 for a rural dwelling to be constructed on Lot 4 DP 23113 Amaroo Road Boeill Creek. The assessment is made under section 79C (1) Matters for consideration of the Environmental Planning and Assessment Act 1979 and the provisions of any Environmental Planning Instrument, that is State Environmental Planning Policies (SEPP's), Regional Environmental Plans (REPs) and LEPs. Council on 20 February 2008 resolved:-

*“That this matter be deferred pending further independent external planning advice in relation to the dwelling provisions (Clause 16) of the LEP.”*

At the time of compiling this report the advice from JG Consulting was not yet available and it is intended that the advice will be circulated to Council prior to the meeting.

### **Report**

The applicant has lodged a development application for the construction of a rural dwelling on Lot 4 DP 23113 Amaroo Road Boeill Creek. Lot 4 is vacant land.

Introduction

The proposal is to construct a four bedroom rural dwelling clad in weatherboard, corrugated colour bond roofing.

The total area of Lot 4 is approx. 17.57 hectares.

The zoning is 1 (a) General Rural Zone

The site is designated floodway and high hazard in accordance with the Floodplain Management Plan Gol Gol to Abbotsford Bridge 1995.

History

Lot 4 is part of a holding (as defined in the WLEP 1993). Verified by Valuer Generals Department Reports dated 1/7/92 and 1/7/96.

The holding can be more easily identified in the following two tables.

Summary of existing holding as at 3/1/08

Lot Number	Deposited Plan Number	Present Use
3	23113	Rural Dwelling (BA127/80)
4	23113	Vacant

Summary of the existing holding as at the appointed day 7 May 1993

Lot Number	Deposited Plan Number	Use
3	23113	Rural Dwelling (BA127/80)
4	23113	Vacant

The above demonstrates the holding has a dwelling. The WLEP 1993 states that one dwelling house per 10 hectares of horticultural land is permitted or 10,000 hectares of pastoral land. Lot 3 has a dwelling, so no further entitlements are permissible.

The definition of existing holding in the WLEP 1993 is:

- (a) except as provided by paragraph (b)-the area of a lot, portion or parcel of land as it was at the appointed day, or
- (b) if, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the combined area of those lots, portions or parcels as they were at the appointed day.

A Section 149 Certificate issued by Council on 23/8/07 for Lot 4 states:

*A dwelling house is prohibited*

Since that date there have been no amendments to the WLEP 1993 so the information pertaining to a dwelling entitlement remains unchanged.

Referrals

Interoffice memo's to Health and Building, Engineering and Floodplain Engineer.

Context and setting

Lot 4 is approximately 17.53ha . There are no plantings on either Lot 3 or Lot 4. The site is covered with low native vegetation consistent with a floodplain. The site plan

indicates the rural dwelling will be located approx. 262 metres from the western boundary adjacent to the Murray River. Access is proposed from Amaroo Road.

The Statement of Environment Effects has no specific details in regard to native vegetation.

Proposed access from Amaroo Road is not possible during times of high river.

#### Heritage

No known European Archaeological significant items (Source: Wentworth Shire Heritage Study). No Aboriginal assessment carried out to determine if there are significant archaeological items in area.

#### Other Land Resources

Conservation of floodplain and the habitat has not been addressed.

#### Floodplain

It has been determined by Council Engineers that in the event of a flood, access cannot be provided in both 1% AEP and 5% AEP events. The road network in a 5% AEP flood would prohibit access for approx. 2 kilometres to the nearest accessible road.

The approximate natural surface level at the proposed house site is AHD 36.80, therefore making the proposed dwelling site with approximately 0.64 depth of water in a 1%AEP event.

The Floodplain Management Manual describes a floodway as “those areas where a significant volume of water flows during floods. They are often aligned with obvious naturally defined channels. Floodways are areas which, even if partially blocked would cause a significant redistribution of flood flow, which in turn adversely affects other areas. They are often, but not necessarily the areas of deeper flow or the areas where higher velocities occur.”

It is vital that the floodway areas defined in Figures 5.2,5.3 (attachment), 5.4 and 5.5 be kept clear of any form of development. Floodway areas should not be developed because of the significant risk to human life. (Source: Floodplain Management Plan Gol Gol to Abbotsford Bridge).

High hazard areas are described in the Floodplain Development Manual as areas where “floodwaters could cause structural damage to buildings and in extreme cases light framed houses could be washed away. Evacuation by heavy trucks would be difficult and other methods would be difficult and potentially dangerous. There could be danger to life and limb and social disruption and financial losses could be high. The bulk of high hazard land areas within the study area (Figures 5.2 to 5.5) is currently rural or open space uses. There is therefore the opportunity at this stage to control future land use within these areas to ensure that only flood compatible uses are permitted. Such uses are rural, recreation or open space/conservation.

Council’s Flood Engineer has advised that if further assessment were to take place on this proposed dwelling it would require substantial supporting documentation, which would include levels and contours of the subject site and possibly a flood impact study.

**Policy and Management Plan Implications**

Assessment under Section 79c(1) of the Environmental Planning and assessment Act 1979

Section 79C(1)-

(a) The provisions of:

(i) Any Environmental Planning Instrument:

-Wentworth Local Environmental Plan 1993: The proposal does not comply with the standards set down and the objectives of the 1(a) zone, specifically:

Objectives of zone is to promote the proper management and utilization of resources by:

- (a) protecting enhancing and conserving agricultural land in a manner which sustains its efficient and effective agricultural production potential.
- (b) Preventing the unjustified development of prime crop and pasture land for purposes other than agriculture.

The applicant does not justify the additional dwelling by way of being ancillary to development. Council's approval of an additional dwelling without any information pertaining to the land use will create unjustified development of prime crop land for purposes other than agriculture.

**General considerations for development within rural zones**

The Council must not consent to an application to carry out development on land within Zone No 1(a) unless it has taken into consideration, if relevant, the effects of the carrying out of that development on the present use of the land, the potential use of the land for the purposes of agriculture and the potential of land which is prime crop and pasture land for sustained production.

As well as the above Council shall take into consideration the relationship of the development on adjoining land and on other land in the locality.

The Council must not consent to the erection of a dwelling on an allotment of vacant land within Zone No 1 (a) unless the allotment consists of pastoral land with an area of at least 10,000 hectares per dwelling to be erected on it.

Council have previously allowed additional rural dwelling on holdings as they have determined that they are satisfied the land comprises an allotment lawfully created for a rural dwelling before the appointed day. The allotment was created before the appointed day and Council can be satisfied that in accordance with all relevant EPI's that Lot 4 was not created for a rural dwelling. The said lot remains the only one in the deposited plan that does not have a dwelling constructed upon it.

**State Environment Planning Policy**

Not applicable

**Regional Environmental Plans**

Not applicable

Section 117 Direction No 15

The objectives of this direction are to:-

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) ensure that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.

The proposed development its current form would not satisfy this ministerial direction.

Clause 16 of the WLEP states:

16 Dwellings within Zone No 1 (a) or 1 (d)

(1) The Council must not consent to the erection of a dwelling on an allotment of vacant land within Zone No 1 (a) unless:

(a) the allotment consists of pastoral land with an area of at least 10,000 hectares per dwelling to be erected on it, or

(b) the allotment consists of horticultural land with an area of at least 10 hectares per dwelling to be erected on it.

(2) *The Council may consent to the erection, on an existing holding, of one dwelling for every 10,000 hectares of that holding if the holding consists of pastoral land (or for every 10 hectares of the holding if it consists of horticultural land).*

(3) Notwithstanding subclause (1), the Council may consent to the erection of a dwelling-house on land within Zone No 1 (a) or 1 (d) where the Council is satisfied the land comprises an allotment lawfully created for a rural dwelling before the appointed day.

(4) In this clause, "vacant land" means land on which no dwelling is located.

(5) Notwithstanding clause (1), the Council may consent to the erection of a dwelling on an allotment of vacant land of any size within Zone No 1 (a) or 1 (d) if that dwelling is ancillary to other development on that allotment for which consent has been granted or which consent is not required.

*In regard to sub clause 1 (a) the application fails*

*In regard to sub clause 2 the application fails*

*In regard to sub clause 3 Council must be certain that the allotment (being lot 4) was lawfully created for a rural dwelling before the appointed day. The appointed day was the 7 May 1993. At the time the allotment was part of an existing holding of 36.87ha with a dwelling house constructed. The definition of an existing holding is as at the appointed day, a person owned 2 or more adjoining or adjacent lots,*

*portions or parcels of land, the combined area of those lots, portions or parcels as they were at the appointed day. The proposal fails to comply with the allowable amount of land being 10,000 ha of pastoral land per dwelling house.*

*Is the Council satisfied that the allotment was lawfully created for a rural dwelling?*

*Council can be satisfied that in accordance with the LEP – no dwelling entitlement exists.*

*The objectives of the Rural 1 (a) zone are:*

Zone No 1 (a) (General Rural Zone)

1 Objectives of zone The objective of this zone is to promote the proper management and utilization of resources by:

(a) protecting, enhancing and conserving:

(i) agricultural land in a manner which sustains its efficient and effective agricultural production potential,

(ii) soil stability by controlling and locating development in accordance with soil capability,

(iii) forests of existing and potential commercial value for timber production,

(iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,

(v) trees and other vegetation on environmentally sensitive land where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,

(vi) water resources for use in the public interest, and

(vii) localities of significance for nature conservation, including areas with rare plants, wetlands and significant wildlife habitat,

(b) preventing the unjustified development of prime crop and pasture land for purposes other than agriculture,

- (c) facilitating farm adjustments, and
- (d) minimizing the cost to the community of:
  - (i) the fragmented and isolated development of rural land, and
  - (ii) providing, extending and maintaining public amenities and services.

2 Without development consent Agriculture (other than the ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments); forestry (other than ancillary dwellings and pine plantations).

3 Only with development consent Any purpose other than a purpose included in item 2 or 4.

4 Prohibited Boarding houses; commercial premises; industries (other than extractive industries, home industries and rural industries); motor showrooms; residential flat buildings; shops (other than general stores not exceeding 150 square metres in gross floor area); unregistrable moveable dwellings.

*The proposal does not fit the objectives of the zone due to the fact that no supporting documentation has been received in regard to the intended use of Lot 4. To enable consideration Council need to be satisfied that the intended land use is consistent with the objectives. Council have in the past required that the land use is established before construction of a dwelling is permitted.*

Prior to lodgement of the application, the owner Mr Metcalfe met with both Council's Planning Officer and the Director of Development and Environment and was told in both cases that a dwelling was not permitted, this is documented in memo's dated 26 July 2007 and 30 July 2007.

#### Supporting Documentation

The applicant, Freeman & Freeman state in their documentation:

*"We believe that Council can give approval to this application (for a rural dwelling) under clause 16 sub clause (3) of the Wentworth LEP 1993. Clause 16 (3) states that:*

*Notwithstanding sub clause (1), the Council, may consent to the erection of a dwelling house on land within Zone No. 1 (a) or 1 (d) where Council is satisfied that the land comprised an allotment lawfully created for a dwelling before the appointed day."*

#### Response

The report states previously that the land was not created before the appointed day.

Mr Freeman states:-

“Council has recently issued Development Approvals (No's 88/06, 89/09 and 90/06) for rural dwellings on DP 23113 lots and as such, has already indicated that it is satisfied that the lots were *'lawfully created for a rural dwelling before the appointed day'*.”

#### Response

Mr Freeman's statement is true, but must be put in context. Council has approved the above mentioned development consents contrary to the recommendation of staff within a report similar to this one. The Department of Planning stated in a letter to Council dated 22 June 2006 (previously provided to Council) sets out the Department's course of action should Council make a decision contrary to the Environmental Planning and Assessment Act 1979.

It should be noted that Section 97 of the EP&A Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of a determination.

#### Conclusion

As a dwelling is not an automatic entitlement in 1 (a) General Rural Zone but subject to the provisions of the Wentworth LEP 1993 this proposal for a rural dwelling on Lot 4 DP 23113 Amaroo Road Boeill creek cannot be supported. The Floodplain Management Plan also restricts development. No information in regard to the land use has been submitted. It is recommended that the application be refused.

#### SUPPLEMENTARY REPORT

Responsible Officer: Director Development and Environment  
Author: Director - Development & Environment  
Implications: Policy  
File & References: DA172/07  
Attachments: Independent Advice from James Goldsworthy Consulting.  
Separately Circ.: Nil  
Tabled: Nil

#### Recommendation

That Council:-

1. Receives and notes the report including the independent advice from James Goldsworthy Consultancy, and
2. Requests the applicant to engage a suitably qualified engineer to prepare a Flood Risk Impact Assessment prior to the determination of the application.

#### Purpose

The purpose of this supplementary report is for Council to consider the application for a rural dwelling on Lot 4 DP 23113 Amaroo Road, Boeill Creek lodged by Freeman & Freeman, Land Surveyors on behalf of AJ & JI Metcalfe.

#### Summary

A development application was received at Council on the 7 November 2007 for a rural dwelling to be constructed on Lot 4 DP 23113 Amaroo Road Boeill Creek. This matter was reported to Council at the ordinary meeting held on 20 February 2008 at which time it was resolved:-

*“That this matter be deferred pending further independent external planning advice in relation to the dwelling provisions (Clause 16) of the LEP.*

This advice has been received from James Goldsworthy Consulting and is attached for Councillors information.

### **Report**

The applicant has lodged a development application for the construction of a rural dwelling on Lot 4 DP 23113 Amaroo Road Boeill Creek. This supplementary report must not be read in isolation, but considered in conjunction with the report prepared for this meeting in item number 12.6.2.

As identified in the resolution of the 20 February, the independent planning advice was to consider this application in relation to the dwelling provisions of the LEP. As identified in the original report on this matter the dwelling provisions should be read in conjunction with the other clauses of the LEP.

The conclusion drawn by James Goldsworthy in relation to clause 16 of the LEP is extracted from the advice as follows:-

*“After reviewing all relevant information supplied to support the application, I do believe that development application 172/07 being for the construction of a dwelling may be approved under the provisions of Clause 16 (3) of the Wentworth LEP. The reasons for this conclusion is:*

- *The lot is located in a rural area*
- *Clause 16 (3) requires the land to be created for a rural dwelling and Council must be satisfied of this*
- *The land was subdivided around 1951 and is of an area that would not support dryland farming*
- *Soil types are not considered to be highly productive*
- *The land has attributes that would be attractive for dwelling and living*

While this advice if taken liberally could be an opportunity for Council to approve the dwelling under the provisions of Clause 16 (3), Council must consider the other provisions of the LEP including but not limited to construction of a dwelling on the floodplain.

This particular aspect will be dealt with in more detail.

### **Floodplain**

It has been determined by Council Engineers that in the event of a flood, access cannot be provided in both 1% AEP and 5% AEP events. The road network in a 5% AEP flood would prohibit access for approx. 2 kilometres to the nearest accessible road.

The approximate natural surface level at the proposed house site is AHD 36.80, therefore making the proposed dwelling site with approximately 0.64 depth of water in a 1%AEP event.

High hazard areas are described in the Floodplain Development Manual as areas where "floodwaters could cause structural damage to buildings and in extreme cases light framed houses could be washed away. Evacuation by heavy trucks would be difficult and other methods would be difficult and potentially dangerous. There could be danger to life and limb and social disruption and financial losses could be high. The bulk of high hazard land areas within the study area is currently rural or open space uses. There is therefore the opportunity at this stage to control future land use within these areas to ensure that flood compatible uses are permitted. Such uses are rural, recreation or open space/conservation.

Council's Flood Engineer has advised that if further assessment were to take place on this proposed dwelling it would require substantial supporting documentation, which would include levels and contours of the subject site and a flood risk / impact assessment

### **Conclusion**

In response to the resolution of Council on 20 February, this application was referred to a consultant for independent planning advice in relation to the dwelling provisions of the LEP. This revealed that in the view of the consultant, Council may conclude that a dwelling, may be permitted upon the subject land. This advice should not be considered in isolation, but rather in conjunction with the liability issue of permitting a dwelling on the floodplain.

***Moved Crs. King and Wheeldon that Council accepts the report from James Goldsworthy Consulting and therefore approves the housing right and that conditions be compiled referring to 1956 flood levels.***

**CARRIED**

## **12.7 PRINCIPAL ACTIVITY: RECREATION AND CULTURE**

### **12.7.1 George Gordon Oval – Future Plans**

Responsible Officer:	Director - Development & Environment
Author:	Director - Development & Environment
Implications:	Policy, Budget
File & References:	C14/11
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

### **Recommendation**

1. That Council develops in conjunction with a user group of George Gordon Oval a management plan for the reserve.
2. That Council provides representation on a user group of the George Gordon Oval to facilitate a suitable funding application for identified improvements to the oval.

**Purpose**

The purpose of this report is for Council to support a strategy to pave the way for improvements to the sporting facilities at George Gordon Oval Dareton.

**Report**

Following a meeting with the users of George Gordon Oval, it is argued that, Council as trustees of the Reserve upon which the facilities are established, should be part of a user group committee to develop a management plan for the reserve and facilitate suitable funding applications to develop required facilities for the reserve.

As trustee of the George Gordon Reserve, Council is responsible for the maintenance and upgrade of the facilities. In line with this the users of the oval wish to improve the functionality of the existing buildings and provide additional facilities for the netball club being courts and change rooms.

The users of the complex are putting together a works schedule with quotations for the required works. The long term plans for additional facilities will be submitted to Council in due course and major facilities are likely to be the subject of a community based funding application of which Council would be a partner.

**Management Plan Implications**

Any scheduled work in terms of maintenance would have to be considered as part of the management plan and budget process.

**Conclusion**

An onsite meeting of users has identified the need for a plan for the George Gordon Oval.

*Moved Crs. Wakefield and McKinnon that the recommendation be adopted.*

**CARRIED**

**Amendment**

*Moved Crs. McKinnon and Wakefield that an amount of \$25,000 be put towards refurbishment of the Wentworth Football Ground Changerooms.*

**CARRIED**

**12.8 PRINCIPAL ACTIVITY: BUILDING CONTROL****12.9 PRINCIPAL ACTIVITY: ROADS AND BRIDGES****12.10 PRINCIPAL ACTIVITY: BUSINESS UNDERTAKINGS****12.11 PRINCIPAL ACTIVITY: DOMESTIC WASTE MANAGEMENT**

## **12.12 PRINCIPAL ACTIVITY: WATER SUPPLIES**

### **12.12.1 Affixing of Council Seal**

Responsible Officer:	Director Infrastructure and Assets
Author:	Reserves and Acquisitions Officer
Implications:	Management Plan
File & References:	PT0708/09, Council Resolution 29 January 2008
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

### **Recommendation**

That the Council Seal be affixed to contract 0708/09 for Supply and Installation of Gross Pollutant Traps.

### **Purpose**

The purpose of this report is to seek Council approval for the affixing of the Council Seal on the contract documents for the tender for Gross Pollutant Traps awarded to Danco Earthmoving Pty Ltd.

### **Report**

At the Extraordinary Council meeting held 29 January 2008 the following recommendation was moved and carried.

***“That Council awards the contract for the installation of Gross Pollutant Traps to Danco Earthmoving Pty Ltd for the sum of \$392,200 plus GST and in accordance with the contract documents.”***

The contract documents will require the affixing of the Council seal. That requirement was not noted within the report of 29 January 2008.

### **Conclusion**

The contract documents have been drawn up and forwarded to the contractor, upon return the affixing of the Council Seal is required.

***Moved Crs. Ward and Wakefield that the recommendation be adopted.***

**CARRIED**

## **12.13 PRINCIPAL ACTIVITY: SEWERAGE SCHEMES**

### **13. REPORT MATRIX**

#### **13.1 REPORT MATRIX FROM PREVIOUS COUNCIL MEETING**

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Nil

File & References: S268  
Attachments: Report Matrix  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That Council receives and notes the report matrix.

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### **Purpose**

The purpose of this report is to advise Councillors of the action from reports that were to be undertaken by Senior Staff.

### **Summary**

The report matrix lists the items presented at the last Council meeting and indicates action that is needed to be taken or is to be taken by Senior Staff that the items raised are completed satisfactorily.

### **Report**

The report is attached and is self-explanatory.

### **Policy and Management Plan Implications**

Implications to policies or the Management Plan are detailed in the matrix.

### **Conclusion**

The matrix is submitted for the Councillors' information to ensure actions required are completed satisfactorily.

***Moved Crs. Ribarits and King that the recommendation be adopted.***

**CARRIED**

## **14. QUESTIONS WITHOUT NOTICE**

### **Cr. Wheeldon**

1. Enquired as to whether the Council had been successful in employing an Engineer.  
*(The General Manager advised no).*
  2. Advised that the pavers on the footpath in the main street of Wentworth were uneven and were a potential hazard to the elderly citizens.  
*(The Mayor advised that this matter is under consideration at the present time with a report to be brought before Council in the near future).*
  3. Enquired as to whether Murray House would be able to water their lawns as he considers it to be a community building and is very sad to see the lawns dying.  
*(The Mayor advised that Murray House is a commercial business and that the lawns can therefore be watered).*
-

Cr. Ribarits

1. Advised that the bins at Drings Hill especially at Easter need to be emptied more often and that more bins should be provided.
2. Enquired as to what is the current situation with respect to the Organisational Review. Would like to see a report next meeting on what has been achieved.

Cr. Nichols

1. Due to the annual Rowing Regatta, she requested that the bins in the general area of the Rowing Club lawns and surrounds be emptied more regularly to cope with the extra rubbish brought in by visitors to the area.
2. Advised that the large commercial bins situated at the end of Adams Street Wentworth need to be emptied especially at Easter and that any bins situated in the towns need to be emptied more regularly due to the influx of visitors.
3. Advised that the mulch provided for residents along the Silver City Highway Buronga is a good result and enquired as to whether Council has a policy on providing free mulch to residents.  
*(The Mayor advised that Council does not have a policy and that this service would need to be considered as part of the budget deliberations).*  
*(The Director Infrastructure & Assets advised that the mulch in the area identified by Councillor Nichols was part of the kerb and guttering program and was costed to that particular job number).*  
*(The Mayor advised that a report on the costs of providing mulch to residents will be submitted to the next meeting).*  
*(Councillor McKinnon indicated that a different town should be done each year to assist with beautification).*
4. Extended her thanks to the Director Development & Environment for taking her to sites where issues had been raised by residents namely a transport storage yard in Wentworth Street, Wentworth and dead fish found in the Dareton Sewer Ponds and is now fully conversant with the situation.
5. Advised that there is huge amount of reinforced concrete on a Thirteenth Street location in Mildura and wanted to ensure that the concrete will not be carted over the Chaffey Bridge and into Council's Buronga landfill.  
*(The Director Infrastructure & Assets advised that the concrete will not be going to the Buronga landfill but there is not much that Council can do if they dump it elsewhere. He advised that the bricks are to be recycled).*

Cr. McKinnon

1. Enquired as to when the Councillors payment of expenses policy will be discussed.  
*(The Mayor advised that this could be undertaken at the GM's Pre-Council meeting information session).*

Cr. Ward

1. Enquired as to what is the General Manager's view on the Council's decision on the previous report regarding Amaroo Road. Will this cause any problems with the Department of Local Government? Will the decision put Wentworth in the same group as Wollongong and Port Macquarie?  
*(The General Manager advised that by accepting the Director's recommendation and the Consultant's findings Council's decision can be supported).*

2. Extended his congratulations to the drippers being installed in Adelaide Street trees and advised that there is a tree in Sturt Park that is dead and there is also a dead tree opposite the Club.

Cr. King

1. Requested the Pomona by-pass be cleaned up.

Cr. Wakefield

1. Advised that the Roads Committee was formed a few years ago but that the Committee had not meet for quite a time.  
*(The Director Infrastructure & Assets will action).*
2. Enquired as to whether a submission is to be undertaken by Council on the Arumpo Road sealing.  
*(The Director Infrastructure & Assets advised that this submission will be undertaken jointly with Mildura Rural City Council engineers).*
3. Enquired as to whether there is to be a meeting soon to discuss the Pooncarie Weir.  
*(The Director Infrastructure & Assets advised that he had been trying to facilitate a meeting but was having difficulty tracking people down and availability of Committee members).*

Cr. Macri

1. Enquired as to when will the kerb and guttering on Silver City Highway Buronga will be commenced.  
*(The Director Infrastructure & Assets advised that the second stage of the K&G will be commenced in one week).*
2. Enquired as to whether it would be possible to record the Council meetings on tape which would make the Executive Assistant's job easier and ease problems with questions being raised and recorded correctly.  
*(The General Manager advised that this has been considered by Officers of Council in conjunction with the installation of a suitable microphone system. Councillor Nichols indicated that a hearing loop could be installed in the gallery section of the Council Chambers and should also be installed in Libraries. The meetings held by Mildura at the Alfred Deakin Centre had microphones and indicated that the press needed to ask permission of Council to record meetings).*

**15. NEXT MEETING**

- 16 April 2008

There being no further business the meeting concluded at 3.54pm.

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CHAIRMAN

