

WENTWORTH SHIRE COUNCIL

MINUTES

ORDINARY MONTHLY COUNCIL MEETING
COMMENCING 9.03AM

WEDNESDAY 21 SEPTEMBER 2011

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

COUNCILLORS: Margaret Thomson (*Mayor*), Bill Brook (*Deputy Mayor*), Brad Clarke, Melisa Hederics, Mark King, Don McKinnon, Brian Wakefield, Bill Wheeldon and Ian Whitfield.

STAFF: Mr Peter Kozlowski (*General Manager*)
Mr Ken Ross (*Director, Sustainable Development*)
Mrs Paula Mastrippolito (*Manager, Governance & Corporate Planning*)
Ms Terri Maguire (*Director, Sustainable Organisation*)
Mr Simon Rule (*Manager, Finance*)
Mrs Jill Davidson (*Executive Assistant*)

4. APOLOGIES AND APPLICATION FOR LEAVE

Councillor Mark King sought a leave of absence from Council for the period 10 to 23 October 2011.

Councillor Ian Whitfield sought a leave of absence from Council for the period 25 to 30 September 2011.

Moved Councillor Wakefield and seconded Councillor Hederics that the leave of absence sought from Councillor Mark King for the period 10 to 23 October and the leave of absence sought from Councillor Ian Whitfield for the period 25 to 30 September 2011 be noted and approved.

CARRIED

5. CONFIRMATION OF MINUTES**Recommendation**

That the minutes of the ordinary Council meeting held Wednesday 24 August 2011 and the Extraordinary Council meeting held Wednesday 29 August 2011 be adopted as circulated.

Moved Councillor King and seconded Councillor Clarke that the recommendation be adopted.

CARRIED

6. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor Brad Clarke indicated that in Item 12.8.5 he had a signed sales agreement with the applicants for the property but that the sales agreement had lapsed. It was considered there was no conflict or pecuniary interest required to be declared.

The Mayor indicated that she had a less than significant non pecuniary interest in item 16.1 as the applicant is a friend.

7. PETITIONS AND MEMORIALS

Nil

8. MAYORAL REPORTS**8.1 APPOINTMENTS BY THE MAYOR FOR THE PERIOD 24 AUGUST TO 20 SEPTEMBER 2011**

Responsible Officer: Mayor
 Principal Activity: Governance
 Author: Executive Assistant
 Implications: Nil
 File & References: G3/3-3
 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 / appointments undertaken by the Mayor for the period 24 August to 20 September 2011.

Report

Date	Conference/Appointment
25 Aug	<ul style="list-style-type: none"> • Tristate Ontario Avenue official opening • Dinner with TAFE NSW Riverina Institute Management Executive group
27 Aug	Official opening of Wentworth Show + meeting with John Williams MP
29 Aug	<ul style="list-style-type: none"> • Extraordinary Council meeting • Standing meeting with GM
2 Sep	Session One Planning System Review Broken Hill
5 Sep	Lunch with mayor John Arnold
6 Sep	Victorian Inquiry Flood Mitigation
7 Sep	<ul style="list-style-type: none"> • Councillors Workshop • Internal Audit & Risk Management Committee meeting • Meeting with Shires Association President Ray Donald & Staff • RSL Ladies "At Home"
8 Sept	Mungo Youth Project
9 Sep	Meeting with Carol Krake re RDA Murray
12 Sept	• Planning Review Broken Hill
13 Sep	<ul style="list-style-type: none"> • Meeting with Neil McGuigan re Australian Wine Industry • Arts & Heritage Advisory Panel

Moved Councillor King and seconded Councillor Wheeldon that the recommendation be adopted.

CARRIED

9. NOTICES OF MOTION

Nil

10. DELEGATES REPORTS**10.1 EXTERNAL COMMITTEES**

Council has appointed representatives to the following:-

- Arts Mildura
- Australian Inland Botanic Gardens
- Bush Fire Management Committee
- Community Development Support Expenditure Committee (CDSE)
- J Division Group of Councils
- Local Emergency Management Committee
- Mildura Tourism
- Murray Darling Association (Region 4)
- Police Community Committee
- Public Libraries NSW
- Riverina & Murray Regional Organisation of Councils (RAMROC)
- Rural Bush Fires Service Level Agreement Committee
- Wentworth Regional Tourism Inc.
- Wentworth Shire Liquor Accord Committee
- West Darling Regional Arts Committee
- Western Division Group of Councils
- Willandra World Heritage Committee

10.1.1 Local Emergency Management Committee Minutes

Responsible Officer: Director Sustainable Development
Author: Administration Officer
Implications: Nil
File Reference: E8/7-1
Attachments: Nil
Separately Circ.: Minutes of the Local Emergency Management Committee meeting held 10 August 2011
Tabled: Nil

Recommendation

That Council receives and notes the report.

Purpose

The purpose of this report is to advise Council of the outcomes of the Local Emergency Management Committee (LEMC) held on 10 August 2011.

Summary

The Local Emergency Management Officer coordinates a meeting of all emergency combat agencies four times per year. The Minutes of the latest meeting are attached for Councillors information.

Report

Items of discussion of the Committee included:-

1. Field exercise
2. Identification of training undertaken
3. Events
4. Update of Shire Displan
5. Rural Addressing Systems
6. Possible solutions to problems with 000 emergency numbers.
7. DEMO and LEMC Agency Reports

The committee held discussions in relation to the Displan and possible development of procedures for emergency evacuation centres operation during an emergency. The Task Group will identify any funding requirements to be presented to Council for consideration at a later date.

There are no recommendations that require Council's action.

Policy and Management Plan Implications

Council's requirements for emergency management are supported by management plan actions and budget.

Conclusion

The minutes of the LEMC held on 10 August 2011 are attached for the information of Council.

Moved Councillor King and seconded Councillor Wakefield that the recommendation be adopted.

CARRIED

11. COMMITTEE MEETING REPORTS**11.1 COUNCIL COMMITTEES – INTERNAL & ADVISORY**

Council has appointed the following Committees which meet from time to time:-

Section 355 Community Committees

- PS Ruby Committee of Management

Council Advisory Committees

- Arts & Heritage Advisory Panel
- Australia Day Committee
- Cemeteries Committee
- Council Roads Committee
- Floodplain Risk Management Committee
- Internal Audit & Risk Management Committee
- Local Traffic (RTA) Committee
- Wentworth Showgrounds Advisory Committee
- Youth Advisory Council
- Young Endeavour Committee

11.1.1 Report On The Local Traffic (RTA) Committee Meeting Held 4 August 2011

Responsible Officer: Director Sustainable Development
Author: Team Leader Civil Works Support
Implications: Management Plan / Budget
File & References: C6/15-2
Attachments: Nil
Separately Circ.: Minutes of Local Traffic (RTA) Committee Meeting
Tabled: Nil

Recommendation

That Council adopts the three recommendations of the Local Traffic (RTA) Committee as identified within the body of this report.

Purpose

The purpose of this report is for Council to consider the recommendations of the Local Traffic (RTA) Committee as resolved at the meeting held 4 August 2011.

Summary

The Local Traffic (RTA) Committee held a meeting on 4 August 2011 at which time the committee held discussion on several issues which require Council consideration and if appropriate adopt suitable recommendations.

Report

The Committee recommends to Council that the following recommendations be considered for adoption:-

1. That the existing advanced directional sign for the Silver City Highway located in Sandwych Street, Wentworth, be relocated 15 metres east of its current location, the existing faded tourist sign be removed, and the existing directional tourist sign be attached to the advanced warning sign.
2. That a road signage plan be developed for the Lake Victoria settlement for the improvement and control of all traffic in this area. Refer the road signage plan back to the Committee at the next meeting to be held on 3 November 2011.
3. That Council awaits comments from the RTA in relation to the material supplied to the Coomealla Triathlon Club prior to approving their event to be held 11 December 2011. The matters to be addressed and actioned with the Coomealla Triathlon Club prior to the event.

Policy and Management Plan Implications

The facilitation of recommendations will require expenditure from within the current budget figures.

Conclusion

Having deliberated over the agenda items of the Local Traffic (RTA) Committee held on 4 August 2011, the Committee provides three recommendations for Council to consider.

Moved Councillor Wakefield and seconded Councillor Clarke that the recommendation be adopted.

CARRIED

11.1.2 Report on the Local Roads Committee Meeting Held 9 September 2011

Responsible Officer: Director Sustainable Development
Author: Director Sustainable Development
Implications: Management Plan / Budget
File & References: C6/15-2
Attachments: Nil
Separately Circ.: Minutes of Local Roads Committee Meeting + attachments
Tabled: Nil

Recommendation

That Council adopts the three recommendations of the Local Roads Committee as identified within the body of this report.

Purpose

The purpose of this report is for Council to consider the recommendations of the Local Roads Committee as resolved at the meeting held 9 September 2011.

Summary

The Local Roads Committee held a meeting on 9 September 2011 at which time the committee held discussion on several issues which require Council consideration and if appropriate adopt suitable recommendations.

Report

The Committee recommends to Council that the following recommendations be considered for adoption:-

1. The Roads to Recovery works program be adopted in line with the attached schedule.
2. That the 2011/2012 repair program funds be spent in accordance with the attached schedule.
3. The adoption of proposed unnamed roads as per attached schedule.

Policy and Management Plan Implications

The facilitation of recommendations will require expenditure from within the current budget figures.

Conclusion

Having deliberated over the agenda items of the Local Roads Committee held on 9 September 2011, the Committee provides three recommendations for Council to consider.

Moved Councillor King and seconded Councillor Wheeldon that the recommendation be adopted.

CARRIED

12. OFFICERS' REPORTS**12.1 PRINCIPAL ACTIVITY: LEADERSHIP, GOVERNANCE & STRATEGIC PLANNING****12.1.1 Governance Report**

Responsible Officer: General Manager
Author: General Manager
Implications: Governance
File & References:
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council receives and notes the various report.

Purpose

The purpose of this report is to provide an update on governance related issues for the last month.

Summary

Specific issues are raised under sub headings in the main body of the report.

Report

In the last month a number of noteworthy issues have been raised or received by Council. Most issues are for information and where appropriate a separate recommendation will be made.

2010 Local Government Staff Census – Report on Findings

The purpose of this circular is to advise that the *2010 Local Government Staff Census - Report on Findings* has been launched today by the Minister for Local Government, the Hon Don Page MP, at the Local Government Managers Association NSW 2011 Annual Conference in Sydney and is now available on the 'Publications' page of the Division's website at www.dlg.nsw.gov.au.

The inaugural Census was conducted to obtain an initial snapshot of the demographic profile of council staff and identify the good practices used by councils to attract and retain diverse staff.

Community Indicators Project

This document has been released and provides a baseline resource for the Division of Local Government (DLG) as part of their program to assist NSW councils in developing a set of indicators to support evaluation of Community Strategic Plan (CSP) objectives. This document will be reviewed for use by this Council where appropriate. The document includes an indicator framework and reference material on the subject.

Guidelines for Council Administered Elections

These Guidelines have been issued under section 23A of the *Local Government Act 1993* (the Act) and must be taken into consideration by this Council when determining whether to conduct its own elections, constitutional referendums and polls or to engage the New South Wales Electoral Commission (NSWEC).

The purpose of the Guidelines is to assist general purpose councils in understanding the level of service and accountability that will be required of them if they decide to conduct their own elections, constitutional referendums and polls in September 2012.

The Guidelines should be read in conjunction with the provisions of the Act and the Local Government (General) Regulation 2005 (the Regulation).

Moved Councillor King and seconded Councillor Wakefield that the recommendation be adopted.

CARRIED

12.1.2 Annual Report to Council on Code of Conduct Complaints

Responsible Officer:	General Manager
Author:	Executive Assistant
Implications:	Governance
File Reference:	G3/18
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That Council receives and notes the report.

Purpose

To report to Council under Clause 12.33 of the Council's Code of Conduct of any Code of Conduct complaints.

Summary

The reporting of Code of Conduct complaints are required to be reported to Council on an annual basis and as of 31 August 2011 there have been no complaints.

Report

The Wentworth Shire Council's Model Code of Conduct (Code) was reviewed and adopted on 17 February 2010. Clause 12.33 of the Code provides that:-

- The General Manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:
 1. number of complaints received
 2. nature of the issues raised by complainants
 3. outcomes of complaints.

Accordingly, while the Code is silent on whether the reporting of complaints should be part of a Council's annual reporting requirements or whether they should be reported a year after receipt of the first complaint, all Code complaints are required to be reported to Council by the General Manager on an annual basis.

Policy and Management Plan Implications

The reporting of Code of Conduct complaints is an annual requirement under Clause 12.33 of the Code.

Moved Councillor King and seconded Councillor Clarke that the recommendation be adopted.

CARRIED

12.1.3 Reduction of Councillor Numbers

Responsible Officer: General Manager
Author: General Manager
Implications: Policy and Management Plan
File Reference: G3/4-3
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council considers the reduction of Councillor numbers.

Purpose

To consider advice from the Minister for Local Government in relation to the application for reduction in Councillor numbers.

Summary

An offer has been made by the Minister for Local Government to allow councils to reduce their Councillor numbers without having to go to a constitutional referendum.

Report

Section 224A of the Act now provides Councils with a further limited opportunity to make application to the Minister for approval to reduce their Councillor numbers without the need for approval at a constitutional referendum.

Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

Section 224A now requires a council to give not less than 42 days public notice of its proposal to resolve to apply to the Minister for Local Government for approval to reduce its Councillor numbers. Formerly, not less than 21 days notice was required. In all other respects the procedure for making an application remains the same.

The procedure can now be summarised as follows:

A Council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its Councillor numbers

The public notice must:

- state the place at which, the dates on which, and the times during which the public may inspect the proposed resolution, and
- invite public submissions on the proposal

The Council must bring the notice to the attention of as many people in its area as possible. This is commonly done by doing all of the following:-

- advertising in a newspaper regularly circulating in the council area
- exhibiting the notice in public areas such as community centres, libraries and public notices boards, and
- posting the notice on the council's website

After passing the resolution the council must forward to the Minister:

- a copy of the resolution
- a summary of any submissions received by it, and
- its comments concerning those submissions.

Councils are reminded that section 224A still prevents such applications being made where:

- the reduction would result in the council having less than 5 councillors
- the council is divided into wards and the reduction would result in the number of councillors for each ward being fewer than 3.

Further, as was the case before the amendment:

- where a council receives approval to reduce the number of councillors, the reduction will not take place until the next ordinary elections, however
- by reason of section 294A of the Act, any casual vacancies that occur during this period will not be required to be filled unless the number of councillors on the council would become less than the reduced number approved by the Minister.

Policy and Management Plan Implications

A reduction of Councillor numbers would require an adjustment to the Management Plan.

Conclusion

The offer from the Minister in relation to reduction of Councillor numbers is a matter for Council's consideration. Council may conclude to advise the Minister that it has decided as follows:

"That Council advises the Minister for Local Government that it has considered his offer to reduce Councillor numbers and decided to maintain the current number of nine Councillors."

OR

"That Council in accordance with Section 224A intends to provide not less than 42 days public notice of its proposal to resolve to apply to the Minister for Local Government for approval to reduce its Councillor numbers from nine councillors to (specify) councillors."

Moved Councillor King and seconded Councillor Wakefield that Council advises the Minister for Local Government that it has considered his offer to reduce Councillor numbers and decided to maintain the current number of nine Councillors.

CARRIED

12.1.4 2011 Union Picnic Day

Responsible Officer: Director Sustainable Organisation
Author: Manager Customer Relations
Implications: Operations
File Reference: C9/7
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council approves Tuesday 1 November as the Award holiday known as Union Picnic Day for all staff.

Purpose

The purpose of this report is to set a date for the 2011 Union Picnic Day for all staff.

Summary

This report sets out the proposed arrangements for the 2011 Union Picnic Day.

Report

In 2008 and 2009 the Local Government and Shires Association of New South Wales advised Council that under the conditions prescribed in the Freedom of Association laws all staff should be granted the award holiday known as Union Picnic Day.

New South Wales Local Government has now reverted back to State Awards and as a result the Freedom of Association Laws no longer apply, however a number of NSW Councils within the South West Region are still granting the Award holiday to all staff.

It is proposed that the 2011 Union Picnic Day should be granted to all staff and held on Tuesday 1 November (Melbourne Cup Day) to fall in line with the Victorian Public Holiday and the Wentworth Races. This gives staff the opportunity to attend the Wentworth Races and support this local event.

Staff required to work on this day due to operational reasons will be able to take this leave at a later date within a three-month period.

This leave will be required to be taken before any other entitlements excluding sick, carers and bereavement leave. Casual staff will not be entitled to this award holiday.

Full time and part time staff who do not work on this day due to normal office closures will also be able to take a day in lieu within a three month period.

Policy and Management Plan Implications

The arrangement outlined within this report is similar to previous practices and is in line with other New South Wales councils within the South West Region.

Conclusion

The arrangements set out in this report will cause minimal disruption to the community as possible.

Moved Councillor Wheeldon and seconded Councillor Wakefield that the recommendation be adopted.

CARRIED

12.1.5 Community Land Reclassification

Responsible Officer:	Director Sustainable Organisation
Author:	Manager Finance
Implications:	Nil
File Reference:	C14/21
Attachments:	Nil
Separately Circ:	Nil
Tabled:	Nil

Recommendation

That Council resolves to reclassify five parcels of land from operational to community land as follows:-

- Shire Offices and Town Hall – Lot 1 DP 630527 24-28 Adelaide Street Wentworth NSW 2648
- Library and Council Chambers – Lots 4 & 5 Section 10 DP759074 23-29 Murray Street Wentworth NSW 2648
- Pooncarie Public Park – Lots 1-4 Section 15 DP 758851 2-8 Tarcoola Street Pooncarie NSW 2648
- Vacant Block of Land – Lot 1 DP 829641 28 Malarra Street Pooncarie NSW 2648
- Buronga Rose Garden's Parking Bay – Lot 1 DP 804789 Silver City Highway Buronga NSW 2739.

and to give public notice for a period of 28 days as required under Section 34 of the Local Government Act 1993 during which submissions may be made to Council.

Purpose

The purpose of this report is to seek Council approval to give public notice of Council's proposed resolution to reclassify five parcels of land under Chapter 6, Part 2 – Public Land Sections 25-34 of the Local Government Act NSW 1993. The revaluation of Community Land is a requirement of the Division of Local Government for the 2010/2011 financial year and during this process it was identified that five parcels of land were wrongly classified as operational land and need to be reclassified as community land.

Summary

The Division of Local Government has mandated a requirement for Councils to revalue all assets every four years. Council is required to have community land re-valued as at 30 June 2011 together with all 'other assets'. It is necessary to reclassify five parcels of land from operational to community land and place Council's proposed resolution on public notice as required under Section 34 of the Local Government Act 1993.

Report

In July 2006 the Division for Local Government mandated that NSW councils commence valuing infrastructure, property, plant and equipment in accordance with Australian Accounting Standard AASB 116 "Property Plant and Equipment".

Community land is required to be re-valued as at the 30 June 2011. All land has been reviewed and re-valued and in the process it was identified that five parcels of land have been wrongly classified in Council's Community Land Register. There are five parcels of land that were classified as operational in 1994 that no longer fit the definition of operational land and need to be reclassified as community land.

Under Section 33 of the Local Government Act 1993 Council may resolve that public land classified as operational land is to be reclassified as community land.

The following parcels of land are currently listed as operational land and should be reclassified as community land.

- Shire Offices and Town Hall – Lot 1 DP 630527 24-28 Adelaide Street Wentworth NSW 2648
- Library and Council Chambers – Lots 4 & 5 Section 10 DP759074 23-29 Murray Street Wentworth NSW 2648
- Pooncarie Public Park – Lots 1-4 Section 15 DP 758851 2-8 Tarcoola Street Pooncarie NSW 2648
- Vacant Block of Land – Lot 1 DP 829641 28 Malarra Street Pooncarie NSW 2648
- Buronga Rose Garden's Parking Bay – Lot 1 DP 804789 Silver City Highway Buronga NSW 2739.

Section 34 requires that the proposed resolution is placed on public notice for a period of not less than 28 days during which submissions may be made to the Council.

Policy and Management Plan Implications

Nil

Conclusion

Council is required to reclassify five parcels of land as community land and give public notice of its intention under Section 34 of the Local Government Act 1993 in order to meet the Division of Local Government requirements for the revaluation of community land.

Moved Councillor King and seconded Councillor Wakefield that the recommendation be adopted.

CARRIED

12.1.6 Water Quality Policy

Responsible Officer: Director Sustainable Development
Author: Director Sustainable Development
Implications: Nil
File Reference: W2/2-5
Attachments: Draft Water Quality Policy
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council adopts the attached Water Quality policy.

Purpose

The purpose of this policy is to establish a clear direction for the delivery of water to residents.

Summary

The policy aims to communicate a clear process and procedure with specific parameters of water quality and management for delivery of water to the public.

Report

The adoption of this policy is the first step in Council's commitment to managing the water supplies for Wentworth, Dareton, Buronga, Gol Gol and Pooncarie in a cost effective manner to provide a safe, high quality drinking water that meets the Australian guidelines.

Policy and Management Plan Implications

The implementation of this policy is compliant with the *Public Health Act 2010 – Drinking Water Quality Management Plan Regulation*.

Conclusion

The *Public Health Act 2010 – Drinking Water Quality Management Plan Regulation* requires water supply units to implement a risk based drinking water management plan for which this policy is part of.

Moved Councillor Wakefield and seconded Councillor Whitfield that the recommendation be adopted.

CARRIED

12.2 PRINCIPAL ACTIVITY: FINANCIAL PLANNING & ORGANISATIONAL DEVELOPMENT**12.2.1 Financial Report**

Responsible Officer:	Director Sustainable Organisation
Author:	Co-ordinator Sustainable Organisation
Implications:	Financial
File & References:	F4/2-3
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 and balance of the cash books.

Summary

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

Report

Collection Of Rates And Charges

Collections for the month of August 2011 were \$1,571,015.74. After allowing for pensioner subsidies, the total Rates and Charges collected are now 22.56% of the levies. A summary of the Rates and Charges situation as at 31 August 2011 is as follows:-

<u>Levies</u>		
Balance Outstanding at 30 June 2011	3,067,225.44	
Rates & Charges Levied 22 July 2011	6,889,900.38	9,957,125.82
+ Additional Water Charges		
+ Supplementary Rates & Charges	60,921.31	
+ Additional Charges	16,131.88	
- Credit Adjustments	3,710.32	
- Abandonments	44.91	73,297.96
		10,030,423.78
<u>Deductions</u>		
- Payments	2,091,392.77	
- Less Refunds of Payments	485.00	2,090,907.77
- Pensioner Subsidy:-		7,939,516.01
Government Subsidy	94,729.60	
Council Subsidy	77,500.66	172,230.26
Total Rates/Water Charges Outstanding as at 31 August 2011		\$7,767,285.75

Note: For comparison purposes 25.33% of the levy had been collected at the end of August 2010.

Reconciliation And Balance Of Funds Held As At 31 August, 2011

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 August, 2011.

	<u>Combined Bank Acc.</u>
<u>Cash Balance as at 1 August, 2011</u>	\$ 1,571,456.98 Dr
<u>Add:</u> Receipts for Period Ending 31 August, 2011 Rates, Debtors, Miscellaneous	5,095,654.62
<u>Less:</u> Payments for Period Ending 31 August, 2011 Cash Book entries for this Month	4,372,923.81
<u>Cash Balance As At 31 August, 2011</u>	\$2,294,187.79 Dr.
<u>Investments</u>	
Total Investments as at 31 August, 2011	13,723,017.90
TOTAL	\$16,017,205.69

Council Loans Table

Name	Institution	Purpose	Interest Rate	Loan Amount \$	Amount Outstanding \$	Due Date
Loan 180	National Australia Bank	Construction of Sewer Works	6.012%	105,368	42,905.31	23/02/2015
Loan 187	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	7.230% Variable	669,393.54	494,667.10	31/05/2015
	Local Government Financial Services (LGFS)	Levee Bank	5.00%	1,000,000	612,567.66	
TOTAL					1,150,140.07	

Policy and Management Plan Implications

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

Conclusion

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

Moved Councillor King and seconded Councillor Brook that the recommendation be adopted.

CARRIED

12.2.2 Monthly Investment Report

Responsible Officer: Director Sustainable Organisation
 Author: Manager Finance
 Implications: Financial
 File & References: F4/2-3
 Attachments: Nil
 Separately Circ.: Nil
 Tabled: Nil

Recommendation

That Council receives and notes the investment report

Purpose

The purpose of this report is to update council on the investment of surplus funds.

Summary

This report indicates that council currently has \$13,723,017.90 of surplus funds invested at 31 August 2011. Interest received from investments for August 2011 was \$73,612.04

Average effective interest rate for August was 6.05%. Council currently has \$6,716,291 of Internal Restrictions and \$3,337,446 of External Restrictions.

Report

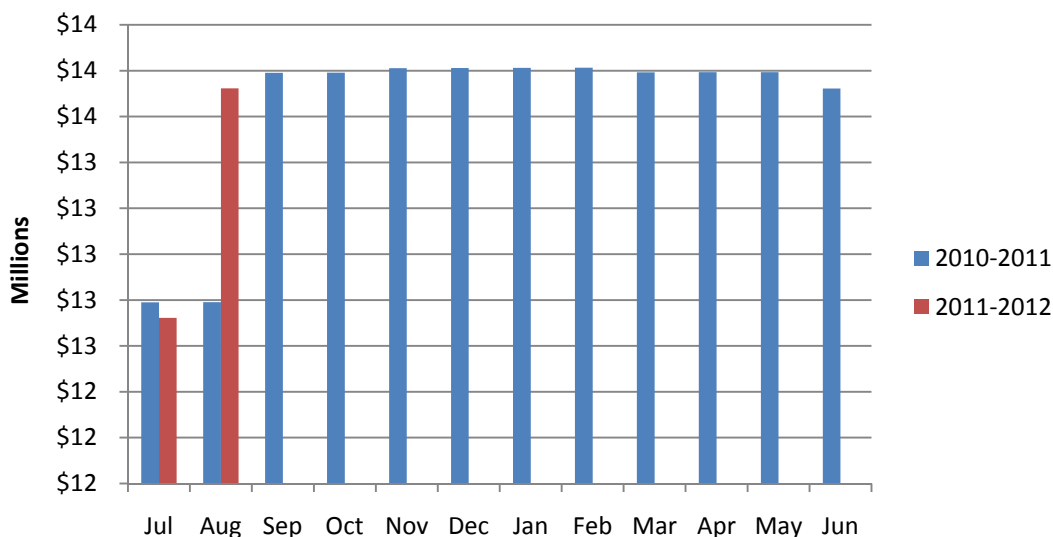
At 31 August 2011 council had \$13,723,017.90 of surplus funds invested with 14 Financial Institutions.

Investee	Date Invested	Maturity Date	Effective Interest Rate	Investment Type	Amount Invested
Local Government Financial Services	31/08/2011	01/09/2011	5.55%	Term Deposit	\$723,017.90
IMB Banking & Financial Services	01/06/2011	04/10/2011	6.05%	Term Deposit	\$1,000,000
Victorian Teachers Credit Union	08/04/2011	06/09/2011	6.05%	Term Deposit	\$1,000,000
B & E Ltd Credit Union	19/07/2011	17/01/2012	6.26%	Term Deposit	\$1,000,000
New England Credit Union	09/06/2011	08/11/2011	6.11%	Term Deposit	\$1,000,000
Savings & Loan Credit Union	10/05/2011	11/10/2011	6.19%	Term Deposit	\$1,000,000
Credit Union Australia	26/08/2011	24/11/2011	5.94%	Term Deposit	\$1,000,000
Railways Credit Union	11/07/2011	08/11/2011	6.20%	Term Deposit	\$1,000,000
Members Equity Bank	05/07/2011	08/11/2011	6.05%	Term Deposit	\$1,000,000
Hunter United Credit Union	10/08/2011	08/12/2011	6.00%	Term Deposit	\$1,000,000
Rabobank Direct	10/03/2011	06/09/2011	6.40%	Term Deposit	\$1,000,000
Rabobank Direct (2)	09/08/2011	08/08/2012	6.30%	Term Deposit	\$1,000,000
Australian Defence Credit Union	30/05/2011	27/10/2011	6.18%	Term Deposit	\$1,000,000
Bank West	29/08/2011	28/11/2011	5.85%	Term Deposit	\$1,000,000
				Total	\$13,723,017.90

Represented By:

- **Internal Restrictions**
 - Employee Entitlements \$1,619,129
 - Doubtful Debts \$ 20,352
 - Tip Remediation \$ 150,000
 - Future Development Reserve \$1,113,214
 - Crown Reserves Reserve \$ 181,098
 - Capital Projects Reserve \$ 339,270

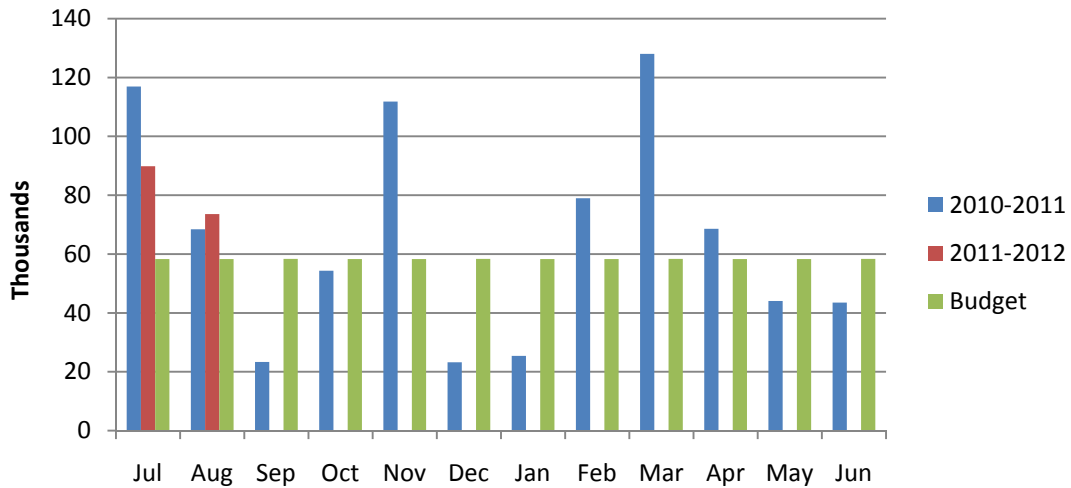
- Plant Replacement Reserve \$ 846,815
- Water Fund \$2,160,375
- Sewer Fund \$ 286,038 \$6,716,291.00
- **External Restrictions**
 - Trust Account \$ 175,181
 - Developer Contributions Reserve \$ 745,461
 - Unexpended Grants \$2,178,872
 - Prepayments – Cemeteries \$ 237,932 \$3,337,446.00
- **Day to Day Liquidity**
 - \$3,669,280.90
 - \$13,723.017.90



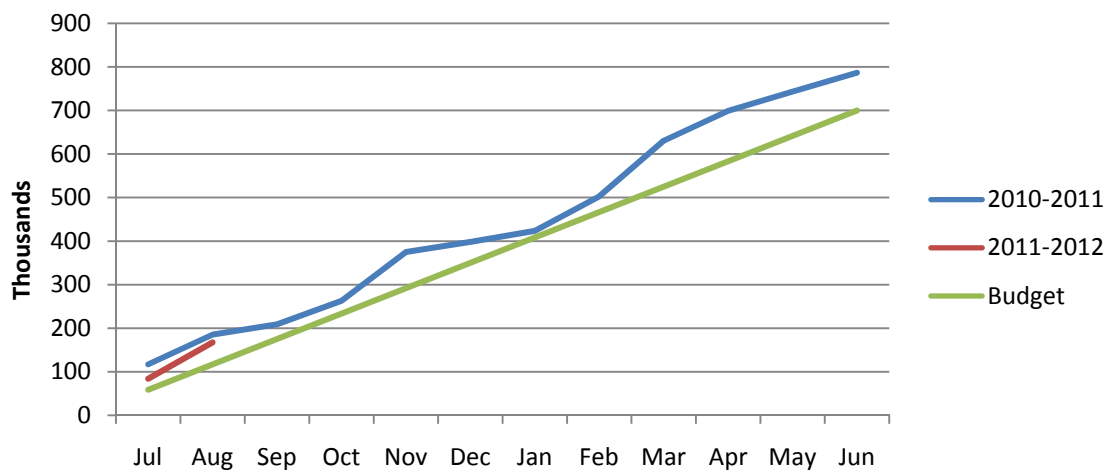
Total Funds Invested

4 Term Deposits matured in August earning Council \$73,612.04 in interest. The budget for August was \$58,333. Year to date Council has received \$163,449.55 in interest. The year to date budget is \$116,666.

Investee	Date Invested	Maturity Date	Effective Interest Rate	Investment Type	Amount Invested	Interest Earned
Local Government Financial Services	29/7/2011	31/08/2011	5.55%	Term Deposit	\$722,576.66	\$ 3,625.75
Defence Force Credit Union	29/03/2011	26/08/2011	6.11%	Term Deposit	\$1,000,000	\$25,109.58
Hunter United Employees Credit Union	12/04/2011	10/08/2011	6.05%	Term Deposit	\$1,000,000.00	\$19,890.41
Suncorp Metway	11/03/2011	08/08/2011	6.08%	Term Deposit	\$1,000,000	\$24,986.30
					Total	\$73,612.04

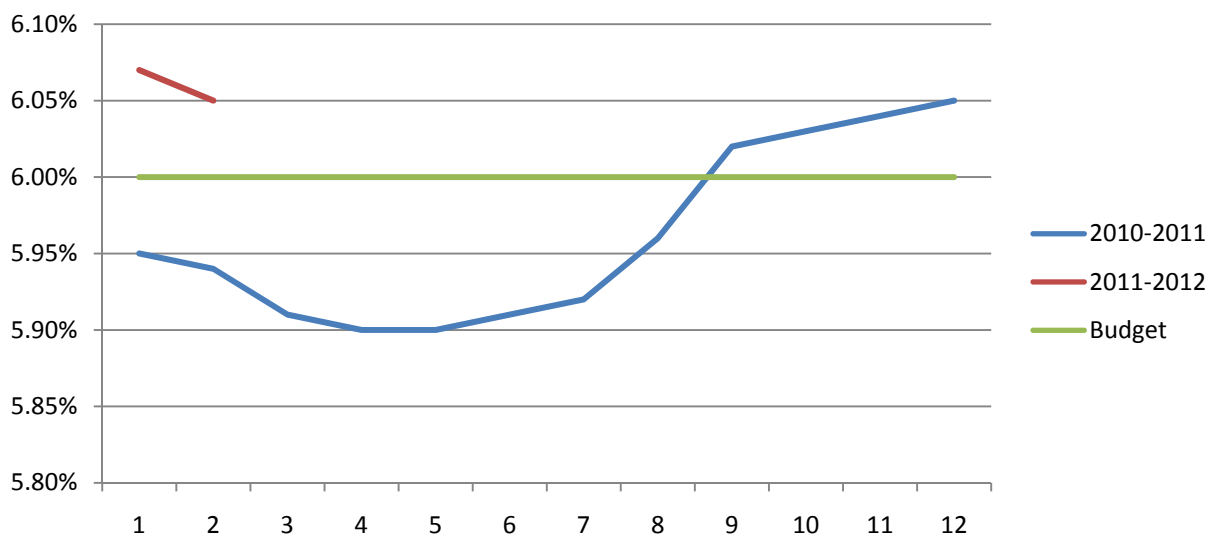


Interest Received August 2011



Total Interest Received July – June

For August 2011 surplus funds were invested at an effective average rate of 6.05%. Year to date the effective average rate has been 6.06%. The budget for 2011-2012 is 6.00%



Effective Average Interest Rate

The Director of Sustainable Organisation certifies that all investments have been made in accordance with the Local Government Act 1993 and Local Government (General) Regulations 2005 and Council's investment policy.

Policy and Management Plan Implications

Nil.

Conclusion

That Council is investing its surplus funds prudently to optimise returns and reduce exposure to risk in accordance with legislation and its own investment policy.

Moved Councillor Wakefield and seconded Councillor King that the recommendation be adopted.

CARRIED

12.3 PRINCIPAL ACTIVITY: PUBLIC ORDER AND SAFETY

Nil

12.4 PRINCIPAL ACTIVITY: HEALTHY COMMUNITIES (HEALTH SERVICES)

Nil

12.5 PRINCIPAL ACTIVITY: COMMUNITY SERVICES

Nil

12.6 PRINCIPAL ACTIVITY: HOUSING & COMMUNITY AMENITIES

Nil

12.7 PRINCIPAL ACTIVITY: RECREATION & CULTURE

Nil

12.8 PRINCIPAL ACTIVITY: STATUTORY & STRATEGIC PLANNING**12.8.1 Development Applications Determined Under Delegated Authority**

Responsible Officer: Director Sustainable Development
Author: Environmental Planning Officer
Implications: Local Government Reform Compliance
File & References: L1-8
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council receives and notes the report.

Purpose

The purpose of this report is to provide Council with a list of development applications determined under delegated authority by the Director Sustainable Development for the month of August 2011.

Report

FILE NO	OWNER / APPLICANT	LOCATION	DEVELOPMENT TYPE & VALUE	NO. DAYS	DATE DETERMINED
DA11/110	Craig Geoffrey Lovel	Lot 9 DP 258209 (50) Williams Street Gol Gol	Shed (\$10,000)	22	4/8/2011
DA11/077	Anthony Kerr-Macgroup Developments P/L/Glenn Rigby Designs	Lot 1 DP 1016200 (28) Corbett Avenue Buronga	Factory Expansion (\$200,000)	59	8/8/2011
DA11/054	Robert & Margaret Faulkhead / Anderson Group	Lot 6 DP 263657 (1) Carramar Drive Gol Gol	Storage Shed & Outdoor area (\$23,500)	79	9/8/2011
DA11/096	Murray River South Side / Anthony John Williams	Murray River adjacent to Victorian property known as lot 22B parish of Colignan	Pontoon (\$2,000)	41	10/8/2011
DA11/108	Rob and Raelene Neyland/Mallee Sheds Pty Ltd	Lot 22 DP 830876 (47) Crane Drive Buronga	Shed (\$17,000)	29	11/8/2011
DA10/063	Darryl Paul Brander / Freeman & Freeman	Lot 12 DP756989 Low Darling Road Wentworth	Rural Workers Accommodation (\$290,000)	314	12/8/2011
DA11/095	WG & LJ Brander/Brent Williams & Associates	Lot 6809 DP 48426 Ellerslie Road Ellerslie	Packing Shed & Car Parking Area (\$133,000)	44	15/8/2011
DA11/107	Corey & Olivia Walsh/Brent Williams & Associates	Lot 32 DP 1098922 (22) Casuarina Way Buronga	Storage Shed (\$8,000)	32	15/8/2011
DA11/103	Michael Pound	Lot 9 DP1048844 & Lot 15 DP 1138081 (72-74) Summer Drive Buronga	Front Fence and Entrance Gates (\$4,000)	25	22/8/2011
DA11/114	Ross Allen Holland	Lot 14 DP 729494 (2448) Silver City Highway Curlwaa	Shed (\$11,990)	29	24/8/2011
DA11/089	Western Murray Irrigation	Road Reserve Adjacent to Lot 767, 824 & 953 DP 756961 Boronia Crescent Coomealla	Pump Shed and Ancillary Equipment (\$375,000)	41	29/8/2011

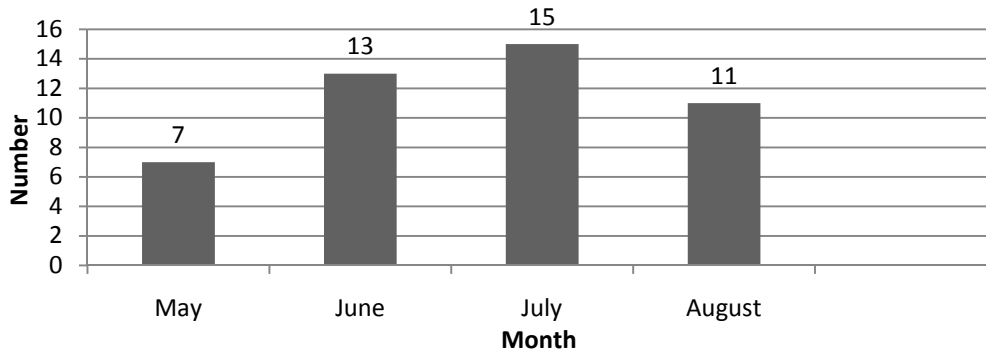
Number of Development Applications before the Court: NIL

Summary

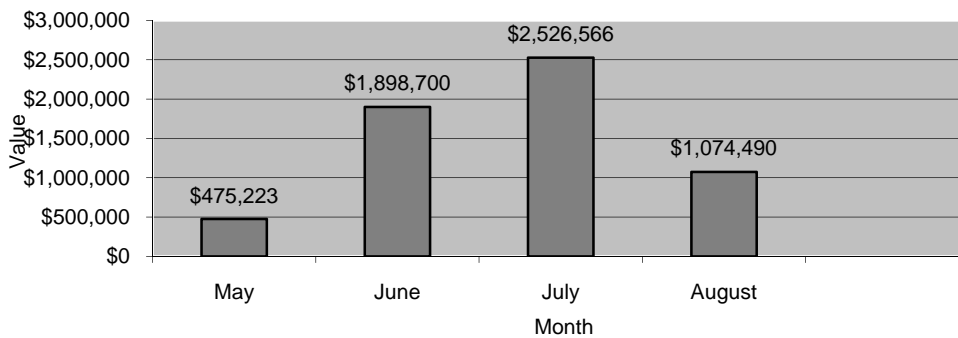
For the month of August there were 11 Development Applications determined under delegated authority by the Director Sustainable Development. The estimated cost of the determined developments is \$1,074,490. The following data and graphs indicate comparison of value for previous months of this financial year.

Month	DA's Determined	Value	Average
May	7	\$475,223	\$67,889
June	13	\$1,898,700	\$146,053.85
July	15	\$2,526,566	\$168,438
August	11	\$1,074,490	\$97,680.91

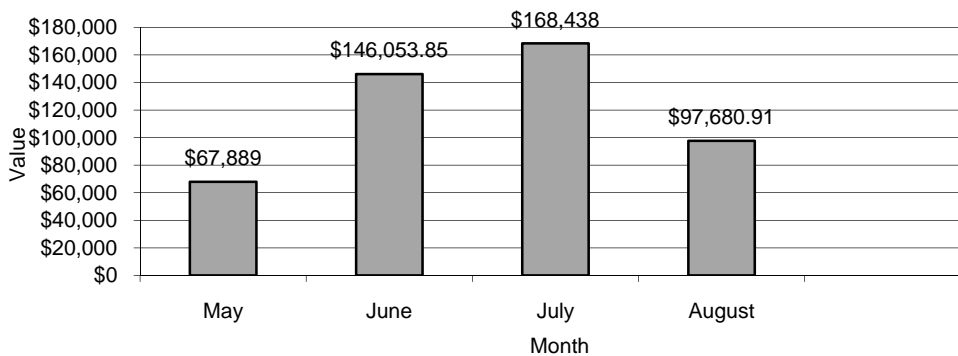
Development Determinations



Development Application Value



Development Application Average Value



Moved Councillor King and seconded Councillor Wakefield that the recommendation be adopted.

CARRIED

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

For the motion: Councillors Wheeldon, King, Clarke, Brook, Whitfield, Wakefield, Hederics, McKinnon, Thomson
Against the motion: Nil

12.8.2 S96/11/005 Modify Development Consent 08/123

Responsible Officer: Department Sustainable Development
Author: Environmental Planning Officer
Implications: Policy, Management Plan
File & References: S96/11/005 and DA08/123.
Attachments: Schedule 1 of DC08/123; Submission; Council report dated 17 December 2008.
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council determines the application to amend the development consent number 08/123 for a training shed on Lots 1 and 2 in DP 208021 (28-30) Darling Street Wentworth to be relocated .5 metre towards the western (rear lane) boundary.

Purpose

The purpose of this report is to determine the application lodged by MADEC Australia to modify the original consent and to consider the objection received.

Summary

The Development Consent was issued on the 17 December 2008 and expires on the 16 December 2013. Two submissions objecting to the proposal were received and the consent conditioned accordingly. A copy of the conditions of consent are attached to this report.

The application was reported to the 17 December 2008 Council meeting with a recommendation for refusal on the following grounds:

1. The proposed use of training facility in the vicinity of the residence and motel in a commercial precinct is not in keeping with the character of the neighbourhood.
2. On-site car-parking shown as two sided is inadequate, total number of staff is four.
3. Noise impact assessment has not been carried out to determine levels.
4. The proposal is incompatible with the commercial and residential function of the area.

The recommendation was overturned and approval was issued.

As a result of the public notification period for the modification, one submission has been received and is attached to this report.

Report

The applicant, MADEC Australia has lodged an application to modify the original consent issued on the 17 December 2008 to construct a shed to be used for training purposes at the rear of 28-30 Darling Street Wentworth. The assessment at that time revealed that the proposal was not compatible to the amenity of the area. The modification is to amend the siting of the shed .05 metres closer to the rear boundary from 7.5m to 7.0m.

The submission maker objects to the proposal as the modification in no way diminishes the impact the training facility will have on property value and level of personal intrusion.

The proposed use of the shed remains unchanged and therefore the matters raised in the 17 December 2008 report to Council are relevant.

Policy and Management Plan Implications

In accordance with S96 (2) (3) of the *Environmental Planning and Assessment Act 1979* the consent authority in determining an application for modifications of a consent under this section must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Conclusion

With consideration to the matters as referred to in 79C of the Act, DA08/123 was recommended for refusal. The modification to re-site the shed does not alter the use of the shed.

Moved Councillor Wheeldon and seconded Councillor McKinnon that Council approves the amendment to development consent number 08/123 for a training shed on Lots 1 and 2 in DP 208021 (28-30) Darling Street Wentworth to be relocated .5 metre towards the western (rear lane) boundary.

CARRIED

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

For the motion: Councillors Wheeldon, King, Clarke, Whitfield, Wakefield, Hederics, McKinnon, Thomson
Against the motion: Councillor Brook

12.8.3 DA09/161 Consolidation and Re-subdivision – Lot 706 & 776 DP 756961 and Lot 5 DP 1053668 Reserve Road East Coomealla

Responsible Officer: Director Sustainable Development
Author: Environmental Planning Officer
Implications: Policy, Management Plan
File & References: DA09/161
Attachments: Locality Plan.
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council refuses the Development Application lodged by Peter Danson on behalf of JP & JA Villiva for the consolidation and re-subdivision of three allotments being Lots 706 and 776 DP 756961 and Lot 5 DP 1053668 Reserve Road East due to the information requested not being submitted.

Purpose

This report is prepared as the recommendation is for refusal and it cannot be issued under delegation.

Summary

An Application for Development for the consolidation of three lots and a re-subdivision was lodged by Peter Danson on the 1 December 2009. The stop the clock provision was activated upon a letter to the applicant requesting additional information.

Report

The zoning of the land is General Rural 1(a) and the total area is 15.79ha. The provisions of the Wentworth Local Environmental Plan 1993 and the Rural Lands SEPP are applicable to the proposal.

The applicant has stated in the supporting documentation lodged with the application that:

“the purpose behind the application is to consolidate the three titles of land together with the two lots on the northern side of Reserve Road East being consolidated to increase the size of the horticultural lot to 5.017ha in extent and creating two lots on the southern side of Reserve Road East. Comment: There is nothing preventing the use of the land for this purpose at the present time”.

Correspondence was sent to the applicant on the 22 December 2009 requesting reasons/justification for the proposal to ensure compliance with the relevant Environmental Planning Instruments. As no response was received, a second letter was sent on the 1 April 2010 again requesting the information. This was followed up by a phone call. An email was received from the applicant on the 23 April 2010 advising:

“I am still in discussion with the client as to the exact configuration of lots that we will adopt for this application. I hope to have it finalised over the next couple of weeks.”

To date nothing has been received.

Policy and Management Plan Implications

Environmental Planning and Assessment Act 1979; Wentworth Local Environmental Plan 1993; Rural Lands State Environmental Planning Policy.

Conclusion

Due to the significant time lapsed with this application it is recommended that a refusal be issued.

Moved Councillor Wakefield and seconded Councillor King that the recommendation be adopted.

CARRIED

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

For the motion: Councillors Wheeldon, King, Clarke, Whitfield, Wakefield, Hederics, McKinnon, Thomson

Against the motion: Councillor Brook

12.8.4 DA11/130 Dwelling Entitlement – LOT 18 DP 807828 (226) Manly Road, Curlwaa

Responsible Officer: Director Sustainable Development

Author: Environmental Planning Officer

Implications: Policy, Management Plan

File & References: DA11/130

Attachments: Deposited Plan number 807828

Separately Circ.: Nil

Tabled: Nil

Recommendation

The proposal for a rural dwelling entitlement on Lot 18 DP 807828 Manly Road, Curlwaa lodged by G & R Withers be granted approval only after the existing industry has been granted approval to operate from the site.

Purpose

The purpose of this report is to determine the application lodged by GA & RA Withers to construct a dwelling on Lot 18 DP 807828 as they currently operate a business on the site and require a dwelling for security reasons and the opportunity to further expand their business.

Summary

An Application for Development for a dwelling entitlement on Lot 18 DP 807828 (226) Manly Road, Curlwaa was lodged by the leaseholders (GA & RA Withers on 17 August 2011). The land is zoned General Rural 1(a) in accordance with the Wentworth Local Environmental Plan 1993. No plans have been lodged with this application.

Report

The applicants have stated they wish to construct a house for security reasons at this site as they have had a few thefts; they also wish to develop their business on site.

In accordance with clause 16 (5) of the Wentworth Local Environmental Plan 1993, Council may consent to the erection of a dwelling on an allotment of vacant land of any size within zone No 1 (a) of 1 (d) if that land is ancillary to other development on that allotment for which consent has been granted or which consent is not required.

Council issued Development and Building approval for the construction of a shed (File Ref DA150/99 and CC90/99) on 17 August 1999 and 24 August 1999 respectively. An occupation certificate was issued on 25 October 1999. The Building Classification for the approved shed is 10a which is a basic storage or farm shed and does not permit the shed to be used for any other purpose.

The applicants for this current application state that they are conducting their earthmoving business from this shed and also will expand if consent for a dwelling entitlement is granted. The building classification to operate a rural industry on this site will require amending; this can be facilitated through a change of use Development Application being lodged for consideration. If approval is granted then Council may also consider an application for a dwelling to be constructed on site in accordance with Clause 16 (5) of the Wentworth Local Environmental Plan 1993.

Policy and Management Plan Implications

Development consent is required for rural industry and dwellings. When considered in accordance with the *Environmental Planning and Assessment Act 1979* and Environmental Planning Instruments there under, Council may facilitate approval under certain provisions.

Conclusion

The proposal for a rural dwelling entitlement on Lot 18 DP 807828 Manly Road, Curlwaa may be considered as ancillary to the existing industry only after that industry has been granted approval to operate from the site.

Moved Councillor Wakefield and seconded Councillor King that the recommendation be adopted.

CARRIED

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

For the motion: Councillors Wheeldon, King, Clarke, Brook, Whitfield, Wakefield, Hederics, McKinnon, Thomson

Against the motion: Nil

12.8.5 DA11/124 Dwelling Entitlement – Lot 2 DP 1112195 Syndicate Road, Curlwaa

Responsible Officer: Director Sustainable Development
Author: Environmental Planning Officer
Implications: Policy, Management Plan
File & References: DA11/124
Attachments: Deposited Plan number 1112195
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council refuses the Development Application for a dwelling entitlement on Lot 2 DP 1112195 Syndicate Road, Curlwaa lodged by Brent Williams and Associates on the following grounds:

The land is zoned 1(a) General Rural and the proposal does not comply with the standards in the Wentworth Local Environmental Plan 1993 specifically:

1. Clause 16 (1) (b) the allotment consists of pastoral land with an area of at least 10,000 hectares per dwelling to be erected on it.
2. Clause 16 (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 and Clause.
3. Clause 16 (5) notwithstanding clause (1), the Council may consent to the erection of a dwelling on an allotment of vacant land of any size with zone No 1 (a) or 1 (d) if that land is ancillary to other development on that allotment for which consent has been granted or which consent is not required.

Purpose

The purpose of this report is to determine the application lodged by Brent Williams & Associates as the recommendation is for refusal and cannot be issued under delegation.

Summary

An Application for Development for a dwelling entitlement on Lot 2 DP 1112195 Syndicate Road, Curlwaa was lodged by the leaseholders, CJ & J Ives on 3 August 2011. The land is zoned General Rural 1(a) in accordance with the Wentworth Local Environmental Plan 1993. No plans have been lodged with this application.

Report

The applicant has stated that the land is currently unused and is zoned 1(a) General Rural Zone. By allowing a dwelling entitlement on this land, this will allow future owners to re-use the land for agriculture.

Comment: There is nothing preventing the use of the land for this purpose at the present time.

The applicant also states that the proponents are the owners of the subject allotment and the objective of this proposal is to acquire a dwelling entitlement to create an opportunity for the land to produce.

Comment: The proponents currently reside on the holding and the opportunity for primary production use already exists.

The following clauses from the Wentworth LEP 1993 demonstrate that the site has no dwelling entitlement currently.

<p>Clause 16(1) (b) 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 on it.</p>	<p>The subject site being Lot 2 DP 1112195 has an area of 9.307ha; the holding has a total area of 9.923ha with a dwelling on Lot 1 DP 1112195. With the allotment being unplanted and under minimum lot size it fails to comply with Clause 16 (1) (b).</p>
<p>Clause 16 (3) Notwithstanding subclause (1), the Council may consent to the</p>	<p>The appointed day is 7 May 1993. Lot 2 DP 1112195 was created on 12 June</p>

<p>erection of a dwelling house on land within Zone 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.</p>	<p>2007. The allotment was created by the subdivision of Lot 18 DP 729491 (Council File Ref: DA273/03). It is stated on file that it was assessed and approved under clause 6 (a) of the Wentworth Shire Council Local Environmental Plan 1993 Clause 6(a). Clause 6(a) states: The Council may consent to a subdivision of an existing holding within Zone No. 1 (a) or 1(d) to create a lot not exceeding half a hectare in area on which a dwelling is already erected if the Council is satisfied that the subdivision will facilitate farm adjustment.</p> <p>The allotment was neither created before the appointed day, or for a dwelling.</p>
<p>Clause 16(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 land is ancillary to other development on that allotment for which consent has been granted or which consent is not required,</p>	<p>The land is vacant therefore a dwelling is ancillary to the land use is not achievable currently.</p>

Further to the above the consent issued for the subdivision has the following condition attached:

The applicant is advised that only one dwelling may be approved on the subject land i.e. on the two lots created under the current Shire of Wentworth Local Environmental Plan 1993.

Proposed Lot 1 already has an existing dwelling therefore no further dwellings may be approved on either of the proposed lots created.
 In considering the proposal under the provisions of Draft Wentworth Local Environmental Plan 2011, the following clauses apply.

4.2B Erection of dwelling houses on land in certain rural and environmental protection zones (local)

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development and
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

Comment: The application cannot satisfy this subclause.

- (2) This clause applies to land in the following zones:
 - Zone RU1 Primary Production,
 - Zone RU4 Primary Production Small Lots,
 - Zone E3 Environmental Management.

Comment: The application is within Zone RU1 Primary Production.

- (3) Development consent must not be granted for the erection of a dwelling house

on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:

- (a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or
- (b) a lot lawfully created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) an existing holding, that is at least the minimum lot size specified for that land by the Lot Size Map.
- (e) Notwithstanding clauses (a) and (d), Council may consent to the erection of a dwelling on an allotment of land shown on the 10 000ha minimum lot size maps if the land use is intensive plant agriculture on an allotment not less than 10ha.

Note. A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

Comment: The application cannot satisfy this clause.

(4)

- (a) Subclause 3(b) and 3(c) cease to have effect on the fifth anniversary of the commencement of Wentworth Local Environmental Plan 2011 and on and from that date the Council may not grant consent under these sub-clauses, and.
- (b) Land ceases to be an existing holding for the purposes of subclause (3)(d), if an application for development consent referred to in that subclause is not made in relation to that land before the fifth anniversary of the commencement of *Wentworth Local Environmental Plan 2011*.

Comment: This clause is not relevant to this application.

(5) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:

- (a) a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
- (aa) there is evidence of a dwelling house having been erected upon the land and the dwelling house is intended only to replace that dwelling house, or
- (b) the land would have been a lot or a holding referred to in subclause
 - (3) had it not been affected by:
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road, public reserve or for another public purpose, or
 - (iii) a consolidation with adjoining public road, a public reserve or for another public purpose.

Comment: This clause is not relevant to this application.

(6) In this clause:

existing holding means all adjoining land, even if separated by a road or railway, held in the same ownership:

- (a) on 7 May 1993, and
- (b) at the time of lodging a development application for the erection of a dwelling house under this clause, and includes any other land adjoining that land acquired by the owner since 7 May 1993.

Note. The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

Comment: This clause is not relevant to this application.

4.2C Erection of Rural worker's dwelling (local)

(1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production.
- (b) Zone RU4 Primary Production Small Lots

(3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that:

- (a) the development will not impair the use of the land for agricultural or rural industries, and
- (b) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers,
- (c) the development will be on the same lot as an existing lawfully erected dwelling house, and
- (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

Comment: This clause is not relevant to this application.

4.2D Dwelling houses in Zone RU1 Primary Production and RU4 Primary Production Small Lots [local]

- (1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.
- (2) This clause applies to development for the purposes of dwelling houses on land in zone RU1 Primary Production.

- (3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
- (a) the land is being or is intended to be used for intensive plant agriculture and/or extensive agriculture;
 - (b) the dwelling house will be required to support the carrying out of intensive plant agriculture and/or extensive agriculture;
 - (c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone; and
 - (d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required

Comment: This applicant has not demonstrated in any way that this clause is satisfied.

When considering the proposal put forward by the applicant none of the relevant clauses of the Draft LEP are satisfied.

Policy and Management Plan Implications

The cumulative impact of dwelling approvals on rural land that cannot support this type of development will distort the figures and the assessment required to undertake the proposed rural land strategy.

Conclusion

The proposal for a rural dwelling entitlement on Lot 2 DP 1112195 Syndicate Road, Curlwaa should be refused on the grounds stated in the recommendation section of this report.

Moved Councillor King and seconded Councillor Wheeldon that Council approves the rural dwelling entitlement on Lot 2 DP 1112195 Syndicate Road, Curlwaa as Council considers that due to the infrastructure already in place the land has the future potential to support intensive agriculture and that the size of the allotment is almost 10ha (actual 9.307ha).

CARRIED

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

For the motion: Councillors Wheeldon, King, Clarke, Whitfield, Wakefield, Hederics, McKinnon, Thomson

Against the motion: Councillor Brook

12.9 PRINCIPAL ACTIVITY: BUILDING CONTROL

Nil

12.10 PRINCIPAL ACTIVITY: SUSTAINABLE ECONOMIC DEVELOPMENT & GROWTH

Nil

12.11 PRINCIPAL ACTIVITY: ENVIRONMENTAL MANAGEMENT

Nil

12.12 PRINCIPAL ACTIVITY: DOMESTIC WASTE MANAGEMENT

Nil

12.13 PRINCIPAL ACTIVITY: ROADS & BRIDGES (INFRASTRUCTURE)

Nil

12.13 PRINCIPAL ACTIVITY: WATER SUPPLIES

Moved Councillor King and Wakefield that Item 12.14.1 be deferred and carried over for consideration at the end of the Council meeting.

CARRIED

12.14.1 Murray River Boats Effluent Disposal Station

Responsible Officer: Director Sustainable Development
Author: Director Sustainable Development
Implications: Nil
File Reference: W2/13-2
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

A supplementary report will be distributed to Councillors before the Council meeting in relation to the matter of the Murray River Boats Effluent Disposal Station.

Purpose

The purpose of this report is for Council to consider the content and determine appropriate future action in relation to the Murray River Boats Effluent Disposal Station located adjacent to the Buronga Caravan Park.

Summary

An incident on 11 March 2011 involving fuel in the sewer system triggered a series of events leading to the present time, where a decision needs to be made regarding the future of the sewer infrastructure in and around the Buronga Caravan Park.

Report

To be separately circulated to Councillors.

12.14.1 SUPPLEMENTARY REPORT: Murray River Boats Effluent Disposal Station

Responsible Officer: Director Sustainable Development
Author: Director Sustainable Development
Implications: Nil
File Reference: W2/13-2
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council:-

1. Maintains the Murray River Boats Effluent Disposal Station located adjacent to the Buronga Caravan Park to the standard whereby it can be used by the larger paddleboat vessels only;
2. That the house boat owners and operators be directed to use the facilities at the Mildura Marina and Bruce's bend and
3. Subject to successful funding, implement the user pay system for all three Murray River Boats Effluent Disposal Stations at Buronga, Dareton and Wentworth.

Purpose

The purpose of this report is for Council to consider the content and determine appropriate future action in relation to the Murray River Boats Effluent Disposal Station located adjacent to the Buronga Caravan Park.

Summary

An incident on 11 March 2011 involving fuel in the sewer system triggered a series of events leading to the present time, where a decision needs to be made regarding the future of the sewer infrastructure in and around the Buronga Caravan Park.

Report

The Murray River Boats Effluent Disposal Station located adjacent to the Buronga Caravan Park consists of:

- Centrifugal pump for the larger vessels
- Diaphragm pump for houseboats
- Holding tank with slop hopper
- Electrical cabinet

In considering the future use of the Murray River Boats Effluent Disposal Station located adjacent to the Buronga Caravan Park it is deemed appropriate that the report be presented as options for deliberation.

Option 1 Restore Operation to that of 10 March 2011 (pre fuel incident)

The work undertaken to date was working to achieve this option. This work includes the replacement of the diaphragm pump (\$ 9,000) for the houseboat waste disposal. To fully facilitate this option an electrical / supporting technology upgrade would be required. This has not been undertaken pending the outcome of this meeting. It is estimated that this work would cost in the vicinity of \$15,000.

In pursuing this option the following points must be made:-

- The risk of another incident in the Buronga Caravan Park remains the same.
- The capacity of the Pump Station within the Caravan Park and discharge lines are utilised to capacity when operational.

Option 2 Maintain Operation as Exists Today (21 September 2011)

Currently the facility is being utilised by the larger vessels such as the *Melbourne, Rothbury, Mundoo and Coonawarra*. In discussions with the Caravan Park Manager he has advised that this occurs at a frequency of approximately one pump out per week. Mr Trood has advised that this is acceptable to him and the operation of the Buronga Caravan Park (Discussion held on site on Monday 19 September 2011). The facility is not currently able to receive and dispose of waste from Houseboats due to the diaphragm pump not yet being commissioned.

Option 2 could be considered with the knowledge that the houseboat operators could utilise the existing pump out facilities at both the Mildura Marina and Bruce's Bend. One advantage of this option is the fact that the capacity of the existing pumps and pipelines from the Buronga Caravan Park would not require an upgrade. The newly installed diaphragm pump would be utilised as a spare on an as needed basis in other areas of the shire.

Option 3 Upgrade Disposal Method to Avoid Buronga Caravan Park Pump Station.

This option is best described as a diversion of the waste using new infrastructure to direct the waste to the pump station at the Buronga Roundabout. This in effect would require the supply and installation of a new pump well and discharge lines from the existing pump out station to the sewer system at the Buronga Roundabout. This has been estimated to cost in the vicinity of three hundred and fifty thousand dollars (\$350,000). If this option was to be considered then funding of the project would need to be sourced externally. Currently Council cannot financially commit to this option.

Option 4 Adopt a User Pays System to the Facility in conjunction with any of the above options

This is a decision for Council in terms of cost recovery and or maintenance. Options 1, 2 and 3 maintain a level of service for a select industry group currently without any income to offset the costs for the operation and maintenance of the facility. Council has made application to NSW Maritime for funding for the provision of swipe card charge system at each of the three Murray River Boats Effluent Disposal Stations within the Shire. In effect this application for funding has committed Council to this option should it be successful.

Option 5 Cease Operation of the Facility

This option must be considered on its merits in both the political and environmental arenas. This option could be considered with the knowledge that the houseboat operators could utilize the existing pump out facilities at both the Mildura Marina and Bruce's Bend. However the larger vessels such as the *Melbourne*, *Rothbury*, *Mundoo* and *Coonawarra* would not be able to physically access those sites. Therefore while this is suggested as an option, it is further suggested that Council should provide for the disposal of waste from the larger vessels.

Policy and Management Plan Implications.

The current management plan of Council does not identify any upgrade to the Murray River Boats Effluent Disposal Station located adjacent to the Buronga Caravan Park. The financial implications should be considered as identified within each option presented within the report.

Conclusion

Having consideration to the content of the report it is suggested that a combination of option 2 and option 4 be adopted by Council to provide a user pay service for a smaller industry group, without the need for upgrade of existing infrastructure or the provision of new.

Moved Councillor King and seconded Councillor Wakefield that the supplementary report be considered urgent because of the number of enquiries being made about this issue on a weekly basis and that the recommendation be adopted.

CARRIED

Wentworth Showgrounds Camping

Note: The General Manager advised that primitive camping bookings are being taken for the Wentworth showgrounds by the AVIC and that the fees quoted to campers were based on the 2010 fees. The fees have been increased in the 2011/2012 Management Plan to \$20 for a powered site and \$15 for an unpowered site and the increase appears to be causing concern.

Moved Councillor McKinnon and seconded Councillor Wheeldon that the primitive camping booking fees be charged in accordance with Council's 2011/2012 Management Plan.

CARRIED

12.15 PRINCIPAL ACTIVITY: SEWERAGE SCHEMES

Nil

13. REPORT MATRIX**13.1 COUNCIL MATRIX OF OUTSTANDING MATTERS**

Responsible Officer:	General Manager
Author:	Executive Assistant
Implications:	Nil
File & References:	C9/16
Attachments:	Nil

Separately Circ.: Nil
 Tabled: Report Matrix

Recommendation

That Council receives and notes the report matrix.

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 Councillor Wakefield and seconded Councillor Whitfield that the recommendation be adopted.

CARRIED

14. QUESTIONS WITHOUT NOTICE

Councillor	Question	Response
Wheeldon	Advised that a group from Gol Gol have received a 12 month lease on the tennis club and as they have put in an enormous amount of time and money questioned whether a longer lease could be considered.	Director Sustainable Development advised that under the Crown Lands Act lease renewals are a year by year statutory requirement but will investigate the matter.

Councillor	Question	Response
Wheeldon	Advised that in State Parliament recently a new part of the Graffiti Act was considered and enquired as to whether staff were aware of the details as there is currently quite a few areas with graffiti is evident.	The General Manager advised that the legislation would be followed up.

Councillor	Question	Response
Clarke	Enquired as to whether the flat valve to cope with flood waters has been considered on the land behind Cox's residence.	The Director Sustainable Development advised that the flat valve has been ordered and work will be completed when it has been received.

Councillor	Question	Response
Clarke	Enquired as to an update on the comprehensive LEP Process	<p>The DSD advised that the comprehensive LEP is currently with the legal section of the Department of Planning and Infrastructure. While this is part of due process, it appears to be taking a lengthy time due to the resolutions of the April meeting requesting support for the existing rural dwelling and river set back provisions. This will then be referred to Parliamentary Counsel for consideration. The timing remains unknown.</p> <p>In addition to that the DSD advised that the Buronga Gol Gol Planning Proposal (LEP 1993 Amendment No 28) has been accepted and the Gateway Determination issued. The Parliamentary Counsel opinion in relation to this is expected on Friday. This process will rezone the entire urban release area including the industrial land along Corbett Avenue. This process will be completed prior to the comprehensive LEP.</p>

Councillor	Question	Response
Brook	Advised that at Junction Park there is old brown timber signage that looks very dilapidated, and there are dead carp bodies lying on a barbeque. Also a fallen tree at the junction point on junction island.	The matters will be investigated

Councillor	Question	Response
Brook	Advised that a new online, interactive forum known as IKEN - the Innovation and Knowledge Exchange Network is set up to act as a clearing house for innovation and to promote the adoption of best practice within Local Government.	Noted.

Councillor	Question	Response
Whitfield	Enquired as to where Council is at the present time with respect to the Gol Gol Master Plan.	The Director Sustainable Development advised that quotations have been sought to facilitate the Plan.

Councillor	Question	Response
Wakefield	Enquired as to whether a previous query from the Lions Club for available land from Council to use as a storage shed.	The General Manager advised that Council has investigated a number of sites and that there are discussions ensuing in relation to the use of the back of the Alcheringa pavilion.

Councillor	Question	Response
Hederics	Enquired as to whether there are to be signs issued under the Rural Addressing program for two houses that share a common road address indicated with A and B signs. When a single road divides into several directions there are no signs indicating which house is A or B etc.	Letters have been sent out twice to relevant properties advising that the resident/s need to pick up the second rural numbering sign from Council. There are some 90 people who have not responded to the letters.

Councillor	Question	Response
Hederics	Advised that before the Wentworth Show was held, the slasher worked on the highways but stopped at Dareton and did not continue onto the rest of the townships. Enquired as to whether this could be considered.	The Director Sustainable Development advised that the slashing has proceeded and will be completed in the near future.

Adjournment

At 10.05am moved Councillor Wakefield and seconded Councillor McKinnon that Council suspends standing orders for a morning tea break.

CARRIED

Resumption

At 10.26am moved Councillor Wakefield and seconded Councillor Wheeldon that Council resumes the Council meeting, with all Councillors present.

CARRIED

At 10.26am Council considered item 12.14.1.

15. NEXT MEETING

- 19 October 2011

16. CONFIDENTIAL REPORTS

16.1 MELALEUCA HEIGHTS SUBDIVISION RATE NOTICES

Responsible Officer: Director Sustainable Organisation
 Author: Director Sustainable Organisation
 Implications: Management Plan
 File & References: L1/17
 Attachments: Council Policy No. CP54 –Costs
 Separately Circ.: Letter from applicant
 Tabled: Nil

Recommendation

- a) That Council resolves to go into closed Council to consider this item together with any later reports tabled at the meeting.
- b) That pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) "*(b) Personal hardship of any resident or ratepayer*".
- c) That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Purpose

The purpose of this report is to seek a decision of Council to either rate 20 unsold allotments in the Melaleuca Heights Subdivision as per the conditions set out in Council Policy on the Reduction of Developer Costs or to provide further reductions and write off \$19,500 of Water and Waste Water Access charges as set out in the Management Plan and as rated.

Summary

Self explanatory.

Report

The matter and information relates to the following:

- (b) *Personal hardship of any resident or ratepayer.*

A meeting has been held between the owners of the land and the General Manager.

At 10.53am moved Councillor Wheeldon and Seconded Councillor McKinnon:-

- a) ***That Council resolves to go into closed council to consider Item 16.1 Melaleuca Heights Subdivision Rate Notices, Item 16.2 Carbone Subdivision Rate Notices, Item 16.3 Request For Assistance - International Speedboat Championship Event together with any late reports tabled at this meeting.***
- b) ***That pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(d) for Item 16.1 (b) Personal hardship of any resident or ratepayer, Item 16.2 (b) Personal hardship of any resident or ratepayer and Item 16.3 (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business.***
- c) ***That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.***

CARRIED

16.2 CARBONE SUBDIVISION RATE NOTICES

Responsible Officer: Director Sustainable Organisation
Author: Director Sustainable Organisation
Implications: Management Plan
File & References: L1/17
Attachments: Council Policy No. CP54 – Reduction of Developer Costs
Separately Circ.: Nil
Tabled: Nil

Recommendation

- a) That Council resolves to go into closed Council to consider this item together with any later reports tabled at the meeting.
- b) That pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(b) “(b) *Personal hardship of any resident or ratepayer.*”
- c) That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Purpose

The purpose of this report is to seek a decision of Council to either rate 10 unsold allotments in the Carbone Subdivision as per the conditions set out in Council Policy on the Reduction of Developer Costs or to provide further reductions and write off \$9,250 of Water and Waste Water Access charges as set out in the Management Plan and as rated.

Summary

Self explanatory.

Report

The matter and information relates to the following:

- (b) *Personal hardship of any resident or ratepayer.*

A meeting has been held between the owners of the land and the General Manager.

16.3 REQUEST FOR ASSISTANCE - INTERNATIONAL SPEEDBOAT CHAMPIONSHIP EVENT

Responsible Officer: General Manager
Author: General Manager
Implications: Management Plan
File Reference: E7/7-3
Attachments: Nil
Separately Circ: Nil
Tabled: Nil

Recommendation

- a) That Council resolves to go into closed Council to consider this item together with any later reports tabled at the meeting.
- b) That pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2)(c) "*(c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business*".
- c) That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Purpose

The purpose is to report on a request for assistance in relation to the International Speedboat Championship Event.

Summary

Self explanatory.

Report

The matter and information relates to the following:

- (c) *Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

The International Speedboat Championship Event was held in Gol Gol. Council contributed \$1000 as a donation to the event.

The promoter of the event is now seeking Council assistance to part or fully pay for an environmental study he was asked to undertake as part of the approval process. The study cost approximately \$10,000.

Any other relevant information will be tabled at the meeting.

Closed Council (10.53am)**Open Council (11.19am)****Report From Closed Council**

The Mayor advised that during Closed Council resolved to uphold the conditions set out in Council Policy No. CP54 – Reduction of Developer Costs for Items 16.1 and 16.2, and that Council does not contribute to the costs of the Environmental Study for Item 16.3.

There being no further business the meeting concluded at 11.19am.



CHAIRMAN