



WENTWORTH SHIRE COUNCIL

MINUTES

ORDINARY MONTHLY COUNCIL MEETING
COMMENCING 9.00AM

17 December 2008:

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**17. DA08/123 PROPOSED SHED TO BE USED AS A TRAINING FACILITY
SITED AT LOTS 1 & 2 IN DP 208021 (28-30) DARLING STREET WENTWORTH. 25**

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

COUNCILLORS: Margaret Thomson (*Mayor*), Brian Wakefield (*Deputy Mayor*), Melisa Hederics, Don McKinnon, Susan Nichols, Peter Thompson, Bill Wheeldon and Ian Whitfield.

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

4. APOLOGIES AND APPLICATION FOR LEAVE

Moved Crs. Wakefield and Thompson that the apology from Councillor King be received and noted.

CARRIED

5. CONFIRMATION OF MINUTES**Recommendation**

- That the minutes of the ordinary Council meeting held 19 November 2008 be adopted as circulated.
- That the minutes of the Extraordinary Council meeting held 3 December 2008 be adopted as circulated.

Moved Crs. Nichols and Wheeldon that the recommendation be adopted.

CARRIED

6. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Nil

7. PETITIONS AND MEMORIALS

Nil

8. MAYORAL REPORTS**8.1 APPOINTMENTS BY THE MAYOR FOR THE PERIOD 19 November to 17 December 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 / appointments undertaken by the Mayor for the period 19 November to 17 December 2008.

Report

Date	Conference/Appointment
Wed 19	Meeting at Willowbend Caravan Park to discuss future plans
Thu 20	Port of Melbourne Corp. stakeholder dinner Mundoo riverboat
Fri 21	Mayors meeting with John Williams MP at Hay (Cr.Hederics attended)
Sun 23	Wentworth Rowing Club – launch of new boats
Mon 24	Christmas drinks with MRCC & WSC
Thu 27	Meeting with Rural Counselling Service Bga CEO & Counsellor
Sat 29	Presentation of certificates for Photographic program for Children
Mon 1	Presidents Dinner Coomealla Club
Wed 3	Extraordinary Council meeting & Councillors Workshop Northern Mallee Leadership Program Graduation Ceremony MADEC Dareton Community Consultation
Thu 4	CSIRO Sustainable Yields Report Mildura Statutory Meeting Mildura Rural City Council Mildura Tourism Christmas party
Fri 5	Buronga Community Consultation – Library
Sat 6	Wentworth Community Consultation – Library
Tue 9- Thu 11	LG Constitutional Summit (Mayor & GM)
Thu 11	Wentworth Public School Proficiency Award evening
Fri 12	TAFE NSW Riverina Institute 6th Annual Graduation & Awards Presentation Ellerslie Community Consultation
Sat 13	AGM Pioneer Homes
Mon 15	Mainstreet Events committee meeting

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

CARRIED

Note: The Mayor advised of a media release regarding the Constitutional Summit for Local Government which both she and General Manager attended on 9 & 10 December.

9. NOTICES OF MOTION

Nil

10. DELEGATES REPORTS

Councillor Susan Nichols attended a function on Friday 12 December to recognise the work that has been done by Jill French for the community.

Moved Crs. Nichols and Wakefield that a letter of thanks be forwarded to Ms Jill French from Council congratulating her contributions to the Shire.

CARRIED

11. COMMITTEE MEETING REPORTS

Nil

12. OFFICERS' REPORTS**12.1 PRINCIPAL ACTIVITY: LEADERSHIP, GOVERNANCE & STRATEGIC PLANNING****12.1.1 Western Division Conference – Balranald March 2009**

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

Recommendation

1. That Council notes that motions for the Western Division Conference are due on 20 February 2009.
2. That Council approves the attendance of Councillors at the Western Division Conference in March 2009.

Purpose

To seek approval for attendance at the Conference.

Summary

Self explanatory

Report

The annual Western Division Conference will be held in Balranald on 1-3 March 2009.

Wentworth Shire Council is usually represented by the Mayor, Councillors and the General Manager. The Western Division is one of the main policy formulating groups of which this Council is a member.

Motions must be submitted to the secretariat by 20 February 2009. Councillors can advise the General Manager of any issues which will be then reported to the January 2009 Council meeting.

Policy and Management Plan Implications

Policy.

Conclusion

The Western Division continues to be an important policy formulating group of the NSW Shire Association. There will be another Council Meeting before motions are required to be sent.

Moved Crs. Wheeldon and Thompson that Council approves attendance by Councillors at the Western Division Conference in Balranald in 2009.

CARRIED

Note: The matter of container deposit legislation was raised by Councillor Wheeldon and is to be included as a motion for the Western Division Conference.

12.1.2 Western Division Strategic Plan

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Governance
File Reference:	C6/16-6
Attachments:	Nil
Separately Circ.:	Western Division Strategic Plan (previously circulated) and mid term meeting minutes
Tabled:	Nil

Recommendation

That Council determines the level of contribution if any to option three, being the contribution per council to the appointment of a Chief Executive Officer for the Western Division Group of Council.

Purpose

To determine whether Council will contribute to option three, level of resourcing, as outlined in the Western Division Strategic Plan.

Report

The Western Division mid term meeting endorsed a strategic plan and adopted an option for resourcing the Western Division with an executive officer which would mean each council contributing approximately \$9,000 (and probably up to \$12,000) per annum. This was subject to approval by individual councils by end December.

There are 13 councils in the Western Division Group of Councils.

Western Division has developed a Strategic Plan (previously circulated) but has struggled to reach consensus on resourcing. There appears to be two camps: (1) southern councils happy with RAMROC support mainly because of executive officer

support and (2) northern council who do not have a strong ROC and therefore less support than southern councils.

Essentially, Councillors need to consider whether WSC will support Western Division to the extent of \$9,000-12,000 p.a. If this is not approved it is likely that other councils will have a similar view and Western Division is likely to go back to a status quo position or possibly cease operating.

Management Plan Implications

Recurrent funding will require an allocation of up to \$12,000 annually.

Conclusion

Clearly the strategic plan prepared by the Western Division (WD) is a way forward. This Council was one of the instigators of the review of Western Division. Council has the option of status quo in funding (WD will be supported through relevant GM and President), option three (executive officer appointed), or an option of greater support as required which could cost Council up to \$7,000 per annum. Any option should require all councils to contribute or the option does not go ahead.

Moved Crs. Nichols and Wheeldon that Council supports the Western Division Strategic Plan for an amount of \$7,000 providing all other Councils undertake similar support.

CARRIED

12.1.3 Use of Council Vehicle Policy and Agreement

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Policy
File Reference:	C9/7
Attachments:	Use of Council Vehicles Policy and Vehicle Usage Agreement
Separately Circ.:	Background paper (recirculated)
Tabled:	Nil

Recommendation

That Council adopts the revised Use of Council Vehicles Policy and the newly developed Vehicle Usage Agreement.

Purpose

The purpose of this report is to present to Council the changes made to the Use of Council Vehicles Policy and the Vehicle Use Agreement for adoption.

Summary

The issue of vehicle usage was first highlighted for attention in the 2006 Organisational Review and as a result this report presents a revised policy and formal agreement to be signed by all staff.

This matter has been before Council a number of times.

Report

The Organisational Review 2006 recommendation number 15 called for "A review of private usage policies attaching to motor vehicles."

A number of workshops and discussions were held with Council on this issue.

At the June Council meeting the policy and agreement was presented to Council for adoption. At that meeting Council resolved to defer the report to a future Council meeting pending amendments to the policy.

Essentially the review of the vehicle policy emanated from a view that the organisation had too many vehicles, a number of inconsistencies in policy application, and more recently concern about employment contracts and their relationship with Council policies.

Vehicle Numbers

It is my view that vehicle numbers are not likely to be reduced as the need to provide a vehicle for recruitment purposes has increased and is likely to increase. However, as a number of arrangements between staff and Council pre 2007 had never been documented and some of these do not have sufficient enough reason to continue in light of either operational use or recruitment purposes, vehicles will over time be reallocated to other staff, or if possible be eliminated from the fleet. All car turnovers will be reviewed in the same way as changeover of staff positions, i.e. each situation is reviewed before each changeover. The GM will authorise a changeover after adequate evaluation has occurred.

Employment Contracts and Vehicles Policy

The issue of senior staff employment contracts and the link to the current vehicle policy was raised over the last nine months.

The issue essentially has been one of whether offers made by Council to employees in good faith, where technically inconsistent with the vehicle policy, are binding on Council.

In this regard Council in March 2007 consider a report that resulted in packaging four senior staff contracts to include private vehicle use as part of the overall remuneration of the staff member. The value of the private use component was assessed at \$8,000. This resulted in a change from the previous system of making a weekly payment for car use and including into the total remuneration package such items as fuel used. Council adopted the new arrangements for two existing employees at the time and made offers to the Director Infrastructure and Assets (appointed late March 2007) and the General Manager (appointed mid April 2007) along the packing lines.

The packaging arrangement is consistent with the way many councils apply private use of vehicles. However, at the time the new direction of Council was technically inconsistent with its own policy and it would have been appropriate to amend Council's policy in conjunction with the new arrangements. If, however, Council considers that the previous arrangement or some other arrangement should be pursued then it would be appropriate to renegotiate the relevant employment contracts.

The newly appointed GM in 2007 identified the need to amend this issue with other considerations in terms of recommendations number 15 of the Organisational Review. Unfortunately the review has taken longer than first expected for a number of reasons.

I concur with advice from the Local Government Shire Association and legal sources indicate that employment contracts entered into override Council policy.

Inconsistencies to be Addressed

Inconsistencies concerning the vehicle policy have been reported to Council a number of times.

Issues that will be pursued as a matter of course are as follows:

- Vehicle signage and identification
- Vehicle agreements for all staff
- Data gathering to assist the management of the fleet (example log books)
- The types of vehicles required for operational reasons
- Review of types of vehicles because of costs of running vehicles
- The most cost effective way to manage the fleet
- Car pooling

Issues that will be pursued in terms of a transitional strategy are as follows:

- Payment for private use categories where staff have never had to make any contributions and/or have any documentation of any arrangements
- Reallocation of vehicles where there is no existing agreement in place and there is no reason, including operational reasons, for the vehicle to have been allocated to the staff member

Issues that will arise because they are silent in the revised policy and where no authority currently exists:

- Need for a vehicle for recruitment purposes where all other options have been exhausted (currently GM must report to Council)

It must be acknowledged that inconsistencies will occur with how the car policy is applied to staff because of the nature of some positions and operational needs. There will be times that vehicles will need to be reallocated because of operational reasons. There will be times when a car will become a factor in the hiring of staff. These situations can occur in the same way as there are differences in payments made to staff because of position classifications (i.e. level of responsibilities), need to attract staff (i.e. more salary may need to be offered to get the right person), and the length of time staff have been employed (i.e. a long serving staff member is likely to have had more increases because of Council's performance appraisal system based on a 2.5% increments).

The Revised Policy in General

The new policy has been rewritten in the new policy format as other policies have when they are reviewed. The policy document now focuses on policy issues more than before and the day to day management of vehicles has been transferred to vehicle agreements.

The revised policy focuses on the need to utilise vehicles in the most effective and efficient way possible by assessing and meeting operational requirements while acknowledging that vehicles are also used for recruitment purposes.

The new policy and agreement highlights the different usages available and the level of staff entitled to each option.

The current GM makes decisions on vehicles within the authorised number of vehicles set in the adopted Management Plan in the same way as the decisions are made in terms of authorised levels of permanent staff. Therefore, for an increase in net permanent vehicle numbers can only occur with approval of Council. Should a permanent new vehicle be needed for recruitment or operational reasons a report is prepared for Council's consideration. The lack of authority in this area has and will continue to cause lost opportunities for this organization in terms of recruiting staff.

Policy and Management Plan Implications

Council will monitor the environmental and financial implications of maintaining a vehicle fleet and will continue to evaluate and assess the organisational requirements to ensure that vehicles are well managed and being used as effectively and efficiently as possible.

Vehicles are managed under the Plant and Fleet Replacement Program in accordance with the Management Plan.

Conclusion

The updated policy will ensure that staff are aware of their obligations and responsibilities relating to the use of Council vehicles. Staff with vehicle use arrangements will be subject to formal agreements.

Moved Crs. Wheeldon and Wakefield that the recommendation be adopted subject to the following wording being included in paragraph one of sub-heading "3. Policy":

"and in this regard the General Manager is authorised to include a vehicle with any employment arrangement where it is deemed appropriate and necessary for the proper functioning of and/or recruitment of the relevant position."

CARRIED

Councillor McKinnon and Nichols requested that their votes be recorded against this item.

12.2 PRINCIPAL ACTIVITY: FINANCIAL PLANNING & ORGANISATIONAL DEVELOPMENT

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 November 2008 were \$708,629.04. After allowing for pensioner subsidies, the total Rates and Charges collected are now 47.73% of the levies. A summary of the Rates and Charges situation as at 30 November, 2008 is as follows:-

<u>Levies</u>		
Balance Outstanding at 30 June 2008	1,252,480.20	
Rates & Charges Levied 16 July 2008	5,685,701.95	6,938,182.15
+ Additional Water Charges	443,658.86	
+ Supplementary Rates & Charges	24,260.51	
+ Additional Charges	21,915.13	
- Credit Adjustments	18,600.84	
- Farmland 20% capped	1,078.82	
- Abandonments	912.52	469,242.32
		7,407,424.47
<u>Deductions</u>		
- Payments	3,383,587.65	
- Less Refunds of Payments	2,307.86	3,381,279.79
- Pensioner Subsidy:-		
Government Subsidy	84,855.31	
Council Subsidy	69,418.86	154,274.17
Total Rates/Water Charges Outstand		\$3,871,870.51

Note: For comparison purposes 50.96% of the levy had been collected at the end of November 2007.

Reconciliation And Balance Of Funds Held As At 30 November, 2008

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 30 November 2008 and the investments have been made in accordance with the Act, the regulations and Council's investment policies.

<u>Cash Balance as at 1 November, 2008</u>	<u>Combined Bank Acc.</u> \$2,574,913.74 Dr
<u>Add:</u> Receipts for Period Ending 30 November, 2008 Rates, Debtors, Miscellaneous	4,947,621.72

Less: Payments for Period Ending 30 November, 2008

Cash Book entries for this Month

3,944,063.73

Cash Balance As At 30 November 2008

\$3,578,471.73 Dr.

Investments

Bank	TD/C.Bill		
LGFS	FI 30 days @ 6.28% due 28/11/2008	926,100.25	
Community CPS Australia Ltd	TD 89 Days @ 7.35% due 9/2/2009	1,500,000.00	
Savings & Loans Credit Union	TD 61 Days @ 6.10% due 12/1/2009	1,300,000.00	
SGE Credit Union	TD 30 Days @ 5.8% due 8/12/2008	1,000,000.00	
Bank West (Sydney) Bank	TD 91 Days @ 6.3% due 9/2/2008	1,500,000.00	
SGE Credit Union	TD 60 Days @ 6.96% due 12/12/2008	1,300,000.00	
Bendigo Bank	TD 60 Days @ 6.25% due 15/12/2008	2,000,000.00	
Bank West	TD 94 Days @ 6.4% due 9/2/2009	1,000,000.00	
Bendigo Bank	11am at call Account	1,500,000.00	12,026,100.25
TOTAL			\$15,604,571.98

Commitments

Details	Amount	
Internal Restrictions	\$	\$
- Employee Entitlements	1,318,110	
- Doubtful Debts	129,946	
- Tip Remediation	125,950	
- Future Development Reserve	510,259	
- Murray Street Acquisition	200,000	
- Plant Replacement Reserve	831,320	
- Water Fund	1,894,231	
- Sewer Fund	750,038	
Total Internal Restrictions		5,759,854
External Restrictions		
- Trust	154,761	
- Developer Contribution Reserve	592,599	
- Unexpended Grants	2,885,521	
Total External Restrictions		3,632,881
Total Commitments as at November 2008		9,392,735

NAME	INSTITUTION	PURPOSE	INTEREST RATE	LOAN AMOUNT \$	AMOUNT OUTSTANDING \$	DUE DATE
Loan 176	National Australia Bank	Wentworth Water Supply Construction	7.439%	180,000.00	48,387.23	25/08/2011
Loan 178	National Australia Bank	Water Supply Construction	6.008%	118,598.00	82,703.22	28/01/2015
Loan 180	National Australia Bank	Construction of Sewer Works	6.012%	105,368.00	73,432.49	23/02/2015
Loan 181	National Australia Bank	Buronga/Gol Gol/Dareton/Pooncarie Water Filtration	6.96%	2,180,000.00	706,676.75	19/08/2012
Loan 182	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	6.96%	178,000.00	57,345.07	19/08/2012
Loan 187	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	7.084%	1,454,000.00	792,519.26	19/11/2009
Loan 195	National Australia Bank	Midway/Memorial Gardens	6.904%	1,700,000.00	1,270,072.76	30/06/2021
Loan 198	Commonwealth Bank	Wentworth Streetscape	6.15%	220,000.00	68,149.24	25/01/2011
Loan 199	National Australia Bank	Wentworth Aerodrome	6.904%	300,000.00	252,581.84	23/06/2023
Loan 200	Department of Lands	Complete Fencing at Wentworth Showgrounds	7.5%	4000.00	4000.00	11/9/2013
	Local Government Financial Services (LGFS)	Levee Bank	5.00%	1,000,000.00	826,663.84	
TOTAL					4,182,531.70	

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. Wakefield and Wheeldon that the recommendation be adopted.

CARRIED

The Mayor declared a conflict of interest in this item as she is a board member of the Bendigo Bank and remained in the chamber.

12.3 PRINCIPAL ACTIVITY: PUBLIC ORDER AND SAFETY**12.4 PRINCIPAL ACTIVITY: HEALTHY COMMUNITIES (HEALTH SERVICES)****12.5 PRINCIPAL ACTIVITY: COMMUNITY SERVICES****12.6 PRINCIPAL ACTIVITY: HOUSING & 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
 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 approved under delegated authority by the Director - Development & Environment for the month of November 2008.

Report

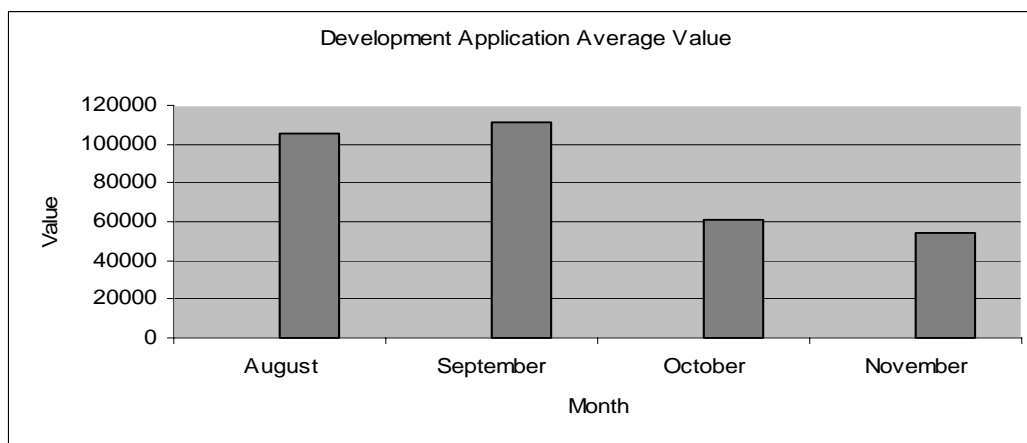
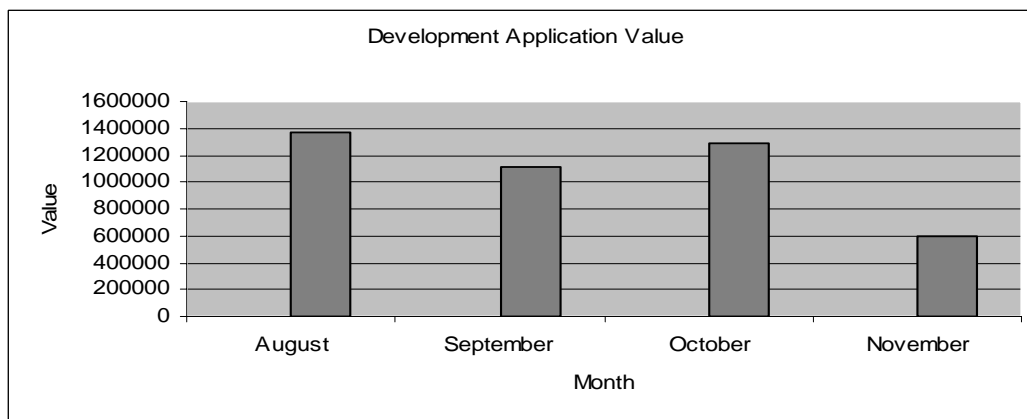
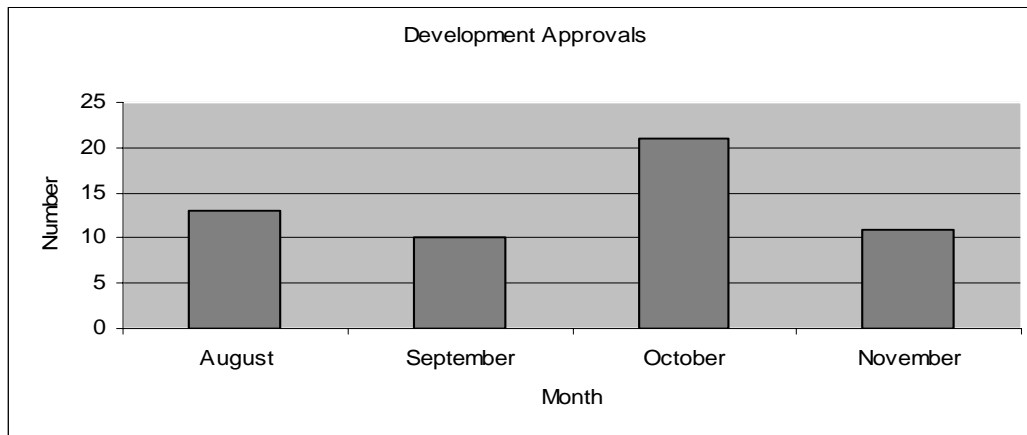
DA No	OWNER / APPLICANT	LOCATION	DEVELOPMENT TYPE & VALUE	NO. DAYS	DATE APPROVD
08/132	Cooke RJ & SJ, Hilton-Wood Solicitors	Lot1 DP 392971 Ryans Road Curlwaa	Pump & Pipeline (\$5,000)	29	3/11/2008
08/093	Saunders, LW & MT, Freeman & Freeman Land Surveyors	Lot 405 DP 756961 Pitman Avenue Buronga	Two (2) Lot Subdivision	51	15/10/2008

08/001	Roy Costa & Associates	Lot 2 DP 760006 Potters Drive Gol Gol	Rural Dwelling (\$250,000)	213	Approved STC 7/11/08
08/146	Smith EC & CM, E Smith	Lot 7 DP 662674 (26) Sandwych Street, Wentworth	Storage Shed (\$10,800)	20	Approved STC 12/11/2008
08/131	SA Water Corporation	Adjacent to Lot 2 DP 1098196 Parish of Wangumma	Upgrade to bridge piles (\$75,000)	39	Approved STC 17/11/2008
08/143	Spiteri, I	28-30 Lot 4 DP 758851 Tarcoola Street, Pooncarie	Dwelling Extension (\$4,500)	28	Approved STC 17/11/2008
08/154	Richardson, KD & AK	Lot 137 DP 756946 Gol Gol North Road Gol Gol	Swimming pool & fence (36,000)	10	Approved STC 24/11/2008
08/129	Carbone, G & F	Lot 9, 10, & 11 DP 1107552, DP 1120405	Three (3) lot subdivision & consolidation	34	Approved STC 24/11/2008
08/150	Panuccio, R & GR	Lot 2 DP 875018 Sturt Highway Gol Gol	Relocate storage / farm shed (\$8,000)	25	Approved STC 25/11/2008
08/151	Wentworth & Commealla Sub Branch, Barlow S. J	Lot 3 DP 853243 Scout Road, Coomealla	Open Shelter (\$29,000)	23	Approved STC 26/11/2008
08/141	Swanbuild (R J Wheeldon)	Lot 1 DP 416834 Helena Street Wentworth	Dwelling (\$174660.00)	29	Approved STC 27/11/08

Summary

For the month of November there were 9 Development Applications approved under delegated authority by the Director - Development & Environment. The estimated cost of the approved development is \$592,960. The following data and graph indicate comparison of value for the previous three months.

Month	DA's Approved	Value	Average
August	13	\$1,375,832	\$105,833
September	10	\$1,115,138	\$111,514
October	21	\$1,283,585	\$61,123
November	11	\$592,960	\$53,905
Total	55	\$4,367,515	\$332,375



Moved Crs. Wakefield and Whitfield that the recommendation be adopted.

CARRIED

12.7 PRINCIPAL ACTIVITY: RECREATION & CULTURE

12.7.1 Report On the Australian Inland Botanic Gardens Committee Meeting Held 10 November 2008

Author: Mayor
 Implications: Nil
 File Reference: R9/5-2
 Attachments: Nil
 Separately Circ.: Minutes of the AIBG 10 November 2008
 Tabled: Nil

Recommendation

That Council receives and notes the minutes of the Australian Inland Botanic Gardens Committee meeting held 10 November 2008.

Purpose

To advise Council of the business undertakings of the Australian Inland Botanic Gardens.

Report

The minutes of the AIBG Committee meeting which were held on Monday 10 November 2008 at MADEC's Wesley Complex Mildura are submitted for the information of Council and include the following:-

- Business Arising from previous minutes (Riverine Reserve, Access to the Riverine Site from River Road, Letterhead)
- Correspondence Inwards
- Correspondence Outwards
- President's Report
- Treasurer's Report
- Director's report
- Sub-Committees Report
- Friends of the Garden Report
- General Business including:-
 1. Hire Charges
 2. Educating Sunraysia Gardeners
 3. Other Issues

Moved Crs. McKinnon and Hederics that the recommendation be adopted.

CARRIED

12.7.2 Report On the Community Management Council and Technical Scientific Advisory Committee meeting 29 August 2008

Author:	Deputy Mayor
Implications:	Nil
File Reference:	R9/5-2
Attachments:	Nil
Separately Circ.:	Minutes of the AIBG 29 August 2008
Tabled:	Nil

Recommendation

That Council receives and notes the minutes of the Community Management Council and Technical Scientific Advisory Committee meeting held 6 October 2008.

Purpose

To advise Council of the business undertakings of the Community Management Council and Technical Scientific Advisory Committee.

Report

The minutes of the CMCTSA Committee meeting which were held on 29 August 2008 at the Central Motor Inn, Wentworth are submitted for the information of Council and include the following:-

- Steve Millington Report
- Review of WHA committee arrangements
- Current status of 3TTG Elders Council
- Other 3TTG Issues
- Landholder issues
- NMA Trish Albert Children's Book
- Other Business

TSAC

- Fossil Trackway
- Anne McGrath and ARC Discovery Grant
- World Archaeology Congress 6
- ARC Linkage update
- Museums Australia Conference 2009
- Other issues

Moved Crs. Nichols and Hederics that the recommendation be adopted.

CARRIED

12.8 PRINCIPAL ACTIVITY: STATUTORY & STRATEGIC PLANNING**12.8.1 Draft Wentworth Local Environmental Plan 2008**

Responsible Officer: Director - Development & Environment
Author: Director - Development & Environment
Implications: Policy, Management Plan
File & References: File No. L1/32
Attachments: Nil
Separately Circ.: Nil
Tabled: Draft Local Environmental Plan 2008

NOTE:

The Director Development & Environment will provide an update on the draft Wentworth LEP 2008 at the Council meeting.

12.8.1 Draft Local Environmental Plan 2008 – Update – Supplementary Report

Responsible Officer: Director - Development & Environment
Author: Director - Development & Environment
Implications: New Local Environmental Plan
File & References: L1/32
Attachments: Nil
Separately Circ.: Nil
Tabled: Response to submissions

Recommendation

That Council note the summary of submissions made to the Section 62 Consultation.

Purpose

The purpose of this report is to update Council on the process of incorporating the Buronga Gol Gol Structure plan into the revised and standard template LEP.

Summary

The attached summary of submissions outlines those received in response to the section 62 consultation process of receiving comments from authorities in relation to the new Local Environmental Plan.

Following refinement of the LEP to include comments received Council will seek a section 65 certificate from the Department of Planning to allow public consultation. Prior to requesting the section 65 certificate there is a requirement to have a Mandatory pre – submission meeting with the Department of Planning. While this is mandatory, officers have approached the department with the view that this meeting is not warranted due to the interaction to date by way of a meeting in Wagga, meeting in Sydney with the Director General and numerous phone conversations. This approach was not considered and the meeting will be attended in Sydney on 20 January 2009.

Report

A summary of the submissions received is attached to this report. The summary notes the name of the submitter, the points raised in the submission, a response from Council and the required action) if any, in order to respond to the submission.

In total 13 submissions were received from authorities (an additional 3 were received from other parties). In addition to this a workshop was held in order to communicate the major components of the plan to interested parties and receive their feedback through the consultation period.

A series of comments have been received through the process which will result in some changes being made to the plan through refinements rather than wholesale changes. In some instances further discussions will be required in order to conclude the details of any changes or otherwise.

Following the changes being made the following process is required in order to complete the finalisation of the LEP:

- mandatory meeting with Department of Planning
- Request Section 65 certificate
- public exhibition
- Council to consider submissions and make changes if necessary
- Possible public hearing
- Council submits the plan to the Department of Planning
- Ministers decision on the new Local Environmental Plan
- Gazettal

Policy and Management Plan Implications

The result of the LEP being amended as proposed will result in the finalisation of the Buronga Gol Gol Structure Plan being incorporated and brought to fruition.

Conclusion

The comments received from the Section 62 consultation will now be used to finalise the 2008 LEP and seek a section 65 certificate from the Department of Planning to allow public consultation.

Moved Crs. Nichols and Wheeldon that a media release be distributed advising residents, ratepayers and developers of the continued problems Council has with Government Departments agreeing to the Council's proposed LEP.

CARRIED

Moved Crs. Wakefield and Hederics that the recommendation be adopted.

CARRIED

12.9 PRINCIPAL ACTIVITY: BUILDING CONTROL

12.10 PRINCIPAL ACTIVITY: SUSTAINABLE ECONOMIC DEVELOPMENT & GROWTH

12.11 PRINCIPAL ACTIVITY: ENVIRONMENTAL MANAGEMENT

12.12 PRINCIPAL ACTIVITY: DOMESTIC WASTE MANAGEMENT

12.13 PRINCIPAL ACTIVITY: ROADS & BRIDGES (INFRASTRUCTURE)

12.13.1 Over Dimensional Vehicles – Gazettal of Additional Network

Responsible Officer: A/g Director Infrastructure & Assets
Author: Assistant Engineer
Implications: Infrastructure
File Reference: R4/3-2
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That the report be received and noted.

Purpose

To advise Council of the outcome of a meeting with the RTA and staff from Wentworth Shire Council regarding over dimensional vehicles using gazetted additional road networks on Tuesday 16 December 2008.

Report

Outcomes of the meeting with the RTA to be submitted to Council on 17 December 2008.

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

CARRIED

12.14 PRINCIPAL ACTIVITY: WATER SUPPLIES

12.15 PRINCIPAL ACTIVITY: SEWERAGE SCHEMES

13. REPORT MATRIX**13.1 REPORT MATRIX FROM PREVIOUS COUNCIL MEETING**

Responsible Officer: General Manager
Author: Executive Assistant
Implications: Nil
File & References: S268
Attachments: Report Matrix
Separately Circ.: Nil
Tabled: Nil

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 Crs. Nichols and Wakefield that the recommendation be adopted.

CARRIED

Adjournment

At 10.22am moved Crs. McKinnon and Wheeldon that Council suspend standing orders to receive a presentation by Sussan Ley MP.

CARRIED

At 10.55am the meeting was adjourned for a morning tea break.

Resumption

At 11.28am moved Crs. Wakefield and Nichols that Council resumes the Council meeting, with all Councillors present.

CARRIED

14. QUESTIONS WITHOUT NOTICE**Cr. Wheeldon**

1. At the last election, whether the Councillor was retiring or defeated, could some sort of acknowledgement in the format of a certificate or letter be forwarded to the Councillors from the Mayor.
2. Enquired as to whether it would be possible to ensure adequate garbage collection is undertaken over Christmas, even if staff have to be paid overtime so that we have nice clean tidy towns for our Christmas visitors.
3. Advised that there has been a recent spate of vandalism, with the ringleaders being between the ages of 14 to 10 years of age, and sought some action from Council or the Police to stop this from continuing.
4. Indicated that graffiti must be cleaned from walls and other surfaces as soon as possible.

(The Mayor advised that Council has a policy on removal of graffiti).

Cr. Nichols

1. Indicated that in the past plaques were given to ex Councillors with a gift/certificate and letters from the Governor.
2. Advised that at the recent Wentworth Community Consultation meeting that matters relating to the cleanliness of the town, removal of dead trees and footpath maintenance were the main concerns and that action needs to be done to clean up the towns and that more bins should be distributed. Indicated that dead trees should be removed, road verges need to be cleaned up in the short term, and a need to get pride back to the region with assistance from Council as a once off for the Christmas period.
3. Wished all Councillors and staff all the very best wishes for the Christmas period and that the work undertaken by the staff is recognised by the community. Cr. Nichols also thanked those members of the public forum who have consistently been in attendance at Council meetings.

Cr. Whitfield

1. Extended his congratulations on the works that have been undertaken at the Dareton Wharf. The area is looking very nice and will be great once finished.
2. Enquired as to whether the slashing on roadsides had been completed.
(The Acting Director Infrastructure & Assets advised that slashing on roadsides is ongoing and as yet has not been completed).

Cr. Wakefield

1. Advised that due to the current rain, the Californian Puncture Weed and Khaki Weed are becoming more prevalent particularly in Buronga and Gol Gol and will assist Des Robertson (Parks & Gardens Overseer) by indicating affected areas in Buronga and Gol Gol.

Cr. Hederics

1. Indicated that she wished everyone a very Merry Christmas and a safe new year.

Cr. McKinnon

1. Enquired as to whether the information he previously requested regarding the exact location of the Pooncarie Weir is forthcoming and also enquired as to the legality of when a tender is lodged with the Council, whether the details or costs of the tender is locked into the contract or can be changed before being accepted by Council.

(The General Manager advised that when all the information is available it will be forwarded to Councillors).

2. Indicated that there appears to be some playground equipment being installed in areas before other areas and requested information on the audit of the placement of playground equipment.

(The General Manager advised that he waiting on information regarding the playground audit).

3. Sent his greetings and salutations to all Councillors and staff.

Mayor

1. Advised Councillors that she is considering running a competition in each town for "Best Kept Garden" or "Waterwise Garden" and enquired as to whether this would be a good idea. Mayor Thomson indicated that if Councillors were in agreement the competition would assist residents in each township to take pride in their gardens. Councillors were in agreement.

Cr. Whitfield

1. Indicated that he was in agreement with the Mayor and that the competition was a good idea. He advised that the details could be placed in newspaper articles and to encourage residents to have alternative plantings than lawns. He also indicated that residents and ratepayers need to be reminded that they have 4 hours to water lawns each week.

Cr. Nichols

1. Enquired as to whether timers had been purchased as yet as part of the water initiatives budget and whether residents and ratepayers have been advised of this program.

(The Mayor advised that the timers were being purchased and that a media release would be distributed before Christmas).

Cr. McKinnon

1. Advised that there is a new product that allows wood chips to be coloured and that this information could be included. He indicated that the chips are coloured with a vegetable dye.

15. NEXT MEETING

- o 21 January 2009

16. CONFIDENTIAL REPORTS

Nil

Moved Crs. Wheeldon and McKinnon that the item of DA08/123 Proposed Shed to be used as a Training Facility sited at Lots 1 & 2 in DP20821(28-30) Darling Street Wentworth be admitted for consideration in accordance with Clause 18(3) of the Code of Meeting Practice because of the need to consider the development application before Christmas, as the January meeting would cause undue delay to the detriment of the applicant.

CARRIED

17. DA08/123 Proposed Shed to be used as a Training Facility sited at Lots 1 & 2 in DP 208021 (28-30) Darling Street Wentworth.

Responsible Officer: Director Development and Environment
Author: Planning Officer
Implications: Policy, Management Plan
File & References: DA08/123
Attachments: Site Plan, submissions, schedule 1, Council letter, MADEC response
Separately Circ.:
Tabled: Nil

Recommendation

That Council refuse the application for a shed to be used as a training facility on Lots 1 and 2 in DP 208021 (28-30) Darling Street Wentworth due to the following reasons:

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 sites 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.

Purpose

The purpose of this report is to determine an application lodged by MADEC – Australia for a proposed shed on Lots 1 and 2 in DP 208021 (28-30) Darling Street Wentworth to be used for training students in the use of a variety of hand and power tools. Two submissions have been received objecting to the proposal. The purpose of this report is to consider the issues raised in the submissions and any other matters required to determine the application.

Summary

An application was received on the 19 August 2008 for a proposed six bay 22m x 7.5 metre shed to be used for training purposes. Supporting documentation lodged by the applicant states “.....the training facility will be used as training environment for participants from Monday to Friday between 8.30am and 5.00pm.”

The subject land is zoned 2 (v) village/urban and is in the Wentworth Town Heritage Precinct.

The issues raised by the objectors are detailed in the body of the report.

Report

The application for a proposed shed to be used as a training facility on Lots 1 and 2 in DP 208021 (28/30) Darling Street Wentworth was lodged on the 19 August 2008 together with plans and documentation stating the proposed use and hours of operation.

The plan drawing lodged was inadequate for assessment and the proponent lodged a revised scale drawing on the 20 October 2008.

In determining a development application, Council is take into consideration matters as are relevant to the development and the provisions of any environmental planning instrument and any development control plan, accordingly the proposal was publically notified in accordance with Councils Advertising DCP.

In accordance with section 79 (c) the consent authority must consider:

- the likely impacts of the development, including environmental impacts in both the natural and built environments, and social and economic impacts in the locality.
- The suitability of the site for the development
- Any submissions made in accordance with the EPAA 1979 or the Regulations

Public Notification

The site was signposted and advertised and letters sent to surrounding neighbours. As a result two submissions were received. The following are a précis of the submissions:

Impact on privacy	<p>There is a residential rear yard on the southern boundary. The concern is the direct visual access to this private yard by the students and staff.</p> <p><i>This could be resolved with an extension to the existing fence for screening, however the owner has rejected this option on the basis of a reduction in sunlight to his property.</i></p>
Noise	<p>The proponent has listed the following tools which may be used in the training facility between the hours of 9.00am and 4.30pm Monday through to Thursday on an intermittent basis within an air-conditioned and ventilated closed environment. (as advised).</p> <ul style="list-style-type: none"> • Portable angle grinder • Various portable sanders • Electric drills/screwdrivers • Drop saw • Air compressor • Spray gun and hose • Cigweld gasless MIG welder • Various hand tools – saws, chisels, hammers screwdrivers, etc <p>The Noise Control regulation restricts the times of operation for equipment on residential premises (including power</p>

	<p>tools). <i>Note: The use is not residential.</i> The concept of offensive noise is applied in both the Protection of the Environment Operations Act 1997 (POEO) and the Noise Control regulation. Offensive noise is defined in the POEO Act as being noise</p> <p>(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:</p> <p>(i) is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted, or</p> <p>(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or</p> <p>(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.</p> <p>The Department of Environment and Climate Change (DECC) guidelines state that noise from power tools should not be audible from a habitable room of any residence after certain times.</p> <p><i>A condition restricting hours of use can form part of an approval.</i></p> <p>The POEO Act restricts the times to:</p> <p>(a) 7.00am to 8.00pm o weekdays.</p> <p>A submission from the Motel on the western boundary raised the issue on noise impacting on motel guests.</p> <p><i>To assist Council staff to determine the levels on noise a request was made to the proponent to undertake a noise assessment by simulating the proposal by way of the use of power tools in a similar setting on the site (A copy of that request and the proponents response declining to undertake the assessment is attached).</i></p>
Odours	Information received from Council's Health Officer – depending on the tools and cutting materials odours may be emitted.
Inadequate car parking	<p>The RTA Guidelines state for commercial and office premises that “adequate parking provision must be made on-site for vehicles most likely to service the development”</p> <p>It states unrestrained situation:</p> <p>1 space per 40m² GFA</p> <p>Unrestrained situation:</p>

	<p>Refer to Council parking code.</p> <p><i>Council does not have a parking code so at 165m² requires four car parking spaces. The applicant has advised that training participants will arrive by bus, although this is the proposed use Council must consider future uses.</i></p>
Aesthetic impact	<p>The shed is large and the objector feels “.....that it will block the entire skyline to the rear of the property, all the view he will have is of a large shinny[sic] tin shed so close.....also block air flow...”</p>
Reflective material	<p>Objector states that there will be enormous amounts of heat generated from the zincalume material.</p> <p><i>This could be overcome by a condition on the approval, that the shed be constructed in colourbond.</i></p>
Security	<p>Increase in people seen as a threat to security.</p> <p><i>Security is a policing issue.</i></p>
Shed oversize	<p>165m² – Council has no policy in relation to shed sizes in any zoning.</p>

Both objectors have also expressed concern that the site is unsuitable. Prior to the lodgement of the application a Building Consultant attended Council offices requesting advice on the proposal. The advice given by Council's Planning Officer at that time was that the intended use and the locality to the residence and the Motel had the potential to create conflict in regard to noise, and that a more suitable location should be considered.

Access to the site is either via the rear lane or through a side entry pedestrian gate accessed from Darling Street. It is envisaged that students will be bussed to the site and the bus will return for pick up. Verbal advise to the numbers attending the site, is approximately six students and two additional staff, currently two staff.

The site configuration is two adjoining allotments of 322.5m² each, with an office straddling the two allotments which house the MADEC office and existing training facilities.

Policy and Management Plan Implications

Assessed pursuant to Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of any Environmental Planning Instrument, Wentworth Shire Council Local Environmental Plan 1993.

The Wentworth Local Environmental Plan 1993 states the objectives of the zone 2 (v) are:

- (a) to promote development in existing towns and villages in a manner which is compatible with their urban function, and
- (b) to provide suitable land for the expansion of urban areas.

Conclusion

Whilst the shed itself is permissible with consent, consideration has been given to the impact the proposal will have on the amenity of the neighbours. It is considered the site is unsuitable for a training facility because:

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 sites and 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 and the proposal is more suited to the Light Industrial Zone.

Council is supportive of MADEC and their initiative in bringing this training facility to Wentworth, however, a location remote from the commercial and residential use, would create an opportunity for future expansion of activities of the organisation.

If however, Council approve the application, the conditions to be applied are set out in the attachment "Schedule 1."

Moved Crs. McKinnon and Wheeldon that application DA08/123 be approved subject to the conditions identified in the report.

CARRIED

There being no further business the meeting concluded at 11.51am.