

WENTWORTH SHIRE COUNCIL

MINUTES

ORDINARY MONTHLY COUNCIL MEETING
COMMENCING 9.00AM

21 January 2009

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

COUNCILLORS: Margaret Thomson (*Mayor*), Brian Wakefield (*Deputy Mayor*), Melisa Hederics, Mark King, 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*)
Mr Simon Rule (*Finance Manager*)
Mrs Jill Davidson (*Executive Assistant*)
Mrs Cathryn Dawes (*Acting Executive Assistant*)

4. APOLOGIES AND APPLICATION FOR LEAVE

Councillor Nichols requested an application for leave advising she will be unavailable from Wednesday 25 March until Saturday 4 April 2009.

Moved Crs. King and Whitfield that the application for leave from Councillor Nichols be received and noted.

CARRIED

5. CONFIRMATION OF MINUTES**Recommendation**

That the minutes of the ordinary Council meeting held Wednesday 17 December 2008 be adopted as circulated.

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

CARRIED

The Mayor reminded Councillors that under Section 375A of the Local Government Act 1993 the recording of voting on planning matters at council meetings is required and indicated that at the December Council meeting 2008 a division was not called in relation to item 17 (Development Application No. DA08/123).

Moved Crs. Wheeldon and Nichols that voting for item 17 considered at the Council meeting held 17 December, being application DA08/123, be recorded as unanimous and that the register under Section 375A be amended with a suitable note to ensure compliance .

CARRIED

6. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor King advised that he had a pecuniary interest in items 9.1 and 16.1 with respect to the Pooncarie Weir as he is the Chairman of the Catchment Management Authority (CMA) which is providing funds towards the Pooncarie Weir and Fish Ladder project.

Moved Crs. Whitfield and Thompson that the declaration from Councillor King be received and noted.

CARRIED

7. PETITIONS AND MEMORIALS

8. MAYORAL REPORTS

8.1 APPOINTMENTS BY THE MAYOR FOR THE PERIOD 17 DECEMBER 2008 TO 21 JANUARY 2009

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 17 December 2008 to 21 January 2009.

Report

Date	Conference/Appointment
Sat 20/12	Balranald Mayor's Christmas function at Euston Club
Mon 5/1	Event Committee Meeting
Fri 9/1	Mayoral Meeting
Fri 9/1	Meeting on Murray Darling Authority with GM and Councillor Wheeldon
Tues 13/1	Meeting with Madec representative
Thurs 15/1	Australian Inland Botanic Gardens Executive Meeting

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

CARRIED

9. NOTICES OF MOTION

Councillor King declared a pecuniary interest in item 9.1 and vacated the Council Chambers at 9.03am as he is the Chairman of the Catchment Management Authority (CMA) which is providing funds towards the Pooncarie Weir and Fish Ladder Project.

9.1 Notice of Rescission – Pooncarie Weir and Fish Ladder Project

Responsible Officer: General Manager
Author: General Manager
Implications: Management Plan
File & References: C14/17-1
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council defers this matter and considers the notice of rescission in conjunction with item 16.1.

Purpose

To advise of a notice of rescission received in relation to the Pooncarie Weir and Fish Ladder Project.

Report

The following notice has been signed by three Councillors as required by the Code:

As I understand that you have made further enquiries, and our overall funding for the Pooncarie Weir and Fish Ladder Project is less than the lowest tenderer's price, I hereby request that the following motion be rescinded at the Ordinary Meeting of Council to be held on 21 January 2009:

“that Council awards the contract for the construction of the Pooncarie Weir and Fish ladder to Kyabram Excavations subject to the result of further enquiries in relation to the works to be undertaken to the satisfaction of the General Manager, and that a further report be provided to Council if necessary.”

As the notice of rescission relates to item 16.1 it is recommended that it not be considered in isolation and be dealt with in conjunction with that item.

Moved Crs. Wheeldon and Wakefield that this item be deferred to the Confidential Section of the Council meeting and considered in conjunction with item 16.1.

CARRIED

Councillor King returned to the Council Chambers at 9.06am.

10. DELEGATES REPORTS**11. COMMITTEE MEETING REPORTS****11.1 Local Emergency Management Committee Minutes**

Responsible Officer: Director Infrastructure and Assets
Author: Property Management Officer

Implications: Operations
File Reference:
Attachments: Nil
Separately Circ.: August 2008 LEMC Minutes
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 committee meeting.

Summary

Items of discussion of the Committee included:-

- Emergency Risk Management Report ~ ongoing
- Desktop emergency exercise
- Importance of house numbering for access of emergency response organisations
- Discussion re Pandemic
- Emergency Operations Centre set up.
- Mobile coverage ~ Silver City Highway, Wentworth to Broken Hill
- Alternate border crossings in the event of bridge closure

Report

The minutes are self explanatory and have been separately circulated to Councillors.

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

CARRIED

11.2 Minutes of Local Traffic Committee Meeting 11 November 2008

Responsible Officer: Acting Director Infrastructure and Assets
Author: Engineering Assistant
Implications: Operations
File Reference: C6/15-2
Attachments: Nil
Separately Circ.: Minutes Local Traffic Committee Meeting 11/11/08
Tabled: Nil

Recommendation

That the minutes of the Local Traffic Committee meeting held on 11 November 2008 be received and noted.

Purpose

To address and consider local traffic issues within the Wentworth Shire.

Summary

Issues examined

- Signage
- Speed zones
- Skate Park location
- River crossing arrangements in the event of bridge closure
- Pedestrian Crossings
- Road Train Routes
- Inland Botanical Garden tractor train crossing River Road.

Report

Full copy of minutes attached.

Policy and Management Plan Implications

All proposed works are included in the Management Plan

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

CARRIED

Note: Councillor Thompson advised that he was in attendance at the Local Traffic Committee meeting on 11 November and that this matter will be referred to the committee for inclusion in their next minutes.

11.3 Special Meeting Local Traffic Committee 16 December 2008 Trial of B Double/Road Train routes ~ Harvest season 2008/2009

Responsible Officer:	Acting Director Infrastructure and Assets
Author:	Engineering Assistant.
Implications:	Operations
File Reference:	C6/15-2
Attachments:	Minutes Meeting 16 December 2008
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

- a) That Council support the identified roads recommended for gazettal by the Local Traffic Committee, as listed in the Minutes.
- b) That routes identified as requiring upgrade be considered in budget estimates for 2009/2010, as listed in the Minutes.
- c) That the minutes of the special meeting of the Local Traffic Committee held on 16 December 2008 be received and noted.

Purpose

To consider additional over dimensional vehicle routes within the Coomealla/Curlwaa irrigation districts to assist haulage contractors.

Summary

Additional B Double and Road Train routes requested by transport operators require approval by NSW Police, RTA and Wentworth Shire Council.

Report

The attached minutes provide details of the proposed routes.

Policy and Management Plan Implications

Routes requiring upgrades to be considered in the budget estimates for 2009/2010.

Conclusion

Formal approval by Council of the proposed routes is sought.

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

CARRIED

12. OFFICERS' REPORTS**12.1 PRINCIPAL ACTIVITY: LEADERSHIP, GOVERNANCE & STRATEGIC PLANNING****12.1.1 Amendments to Council's Code of Meeting Practice**

Responsible Officer: General Manager
Author: General Manager
Implications: Governance & Policy
File Reference: C9/7
Attachments: Amended pages of Code of Meeting Practice
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council resolves to adopt the amended Code of Meeting Practice as attached, with amendments highlighted in italics and underlined.

Purpose

To consider amendments to the Code of Meeting Practice.

Summary

Self explanatory.

Report

Pursuant to section 375A of the Local Government Act 1993, the current Code of Meeting Practice has been amended to reflect the requirements to call a division whenever a motion for a planning decision is put at a meeting of council or a council committee and to keep a register for each planning decision. The Code also contains minor amendments relating to the Code's contents page.

For the purposes of section 361 these amendments are not considered substantial and therefore will not be publicly advertised.

Policy Implications

Amendments to the current Code.

Conclusion

The amendment reflects the statutory requirements under the new section 375A of the Local Government Act 1993 and amendments to the Code's contents page.

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

CARRIED

12.1.2 Emergency Management Arrangements

Responsible Officer:	Director Infrastructure and Assets
Author:	Property Management Officer
Implications:	Operations
File Reference:	E8/2-2
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That Council receives and notes the Report.

Purpose

To provide updated information regarding key positions in the Local Emergency Management Committee (LEMC).

Report

The Acting Director of Infrastructure and Assets is currently filling the position of Local Emergency Management Officer (LEMO) for Wentworth Shire. Once the new Director is appointed it is important that the position of LEMO be filled as a priority. The local State Emergency Service (SES) has recently received the resignation of Ken Conrick as Local Controller for the SES. Mr Jamie Wembridge has been appointed as Acting Local Controller as an interim measure.

Policy and Management Plan Implications

In conjunction with NSW Police, Wentworth Shire Council is the lead agency in the event of an emergency. Appointment of the LEMO is a Council responsibility under section 32 of the State Emergency and Rescue Act which states.

32. Councils to provide executive support for Local Emergency Management Committee and Operations Controller

(1) A council is to provide executive support facilities for the Local Emergency Management Committee and the Local Emergency Operations Controller in its area.

(2) The principal executive officer is to be known as the Local Emergency Management Officer.

Conclusion

That the importance of preparedness for an emergency is recognised and supported by the Council by the appointment of required officers.

Moved Crs. McKinnon and King that the report be received and noted and that Council endorses the appointment of the interim officers as detailed in this report.

CARRIED

12.1.3 Report on Councillors Induction Seminar Held in Balranald

Responsible Officer: General Manager
Author: General Manager
Implications: Governance
File Reference: C9/7
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council notes the report.

Purpose

To consider feedback from the Councillor Induction Seminar held in Balranald on 5 November 2008 and conducted by representatives from the Department of Local Government.

Summary

There is a requirement (circular 08-55) for the General Manager to report to the first council meeting in 2009 on which seminar each councillor attended and any feedback from Councillors about the seminar.

Report

There was a requirement for all Councillors elected at Council elections to participate in seminars convened to cover issues relating to councillor induction.

All Councillors and the General Manager from the Wentworth Shire Council attended a seminar held in Balranald on 5 November 2008 convened by the Local government Department.

Feedback from participants included the following:

- Very worthwhile. It clearly set out the need to declare conflicts and the reasons why. It set out guidelines for council code of conduct. It provided new Councillors with outside contacts to discuss these issues if they arise.
- I believe it was as long way to go for such a seminar. The really important issues such as Code of Conduct, Code of Meeting Practice were only briefly touched on. Most Councillors will not bother to read this information from a disk. It should be spelt out in laymans terms verbally so everyone understands and has an opportunity to ask questions.
- Worthwhile, especially for new Councillors, although repetitive for those with many years of experience.
- Confirmed many of my prior beliefs on local law conflicts and pecuniary interests.
- Long distance to travel for a relatively short presentation and the building was not terribly suitable. Have a problem with the number of vehicles needed to attend and would prefer a presentation at Wentworth or possibly a video conference.
- Presenters were mostly well informed and covered their subjects well. Interesting without being over challenging.
- On the issue of Pecuniary Interest - When Councillors are involved in a Community Services (eg. Murray House), and therefore have a Pecuniary Interest - cannot comment on the discussion when they are the ones who have the most knowledge of that particular organisation."

This Council will continue to provide opportunities for Councillors to attend relevant induction sessions in accordance with Council's Councillor Induction Policy.

Policy Implications

Improved governance.

Conclusion

The introduction of formal Councillor induction seminars are welcomed.

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

CARRIED

12.1.4 Internal Audit, Risk Management and Governance

Responsible Officer: General Manager
Author: General Manager
Implications: Governance
File Reference: C9/7
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council approves the advertising of the position of Manager Governance and Corporate Development and that this position be funded from existing resources.

Purpose

To report on the implications of the newly released guidelines from the Department of Local Government, convey resource needs to support the governance function and seeking Council's approval to proceed with the appointment of Manager Governance and Corporate Development to be funded from existing commitments in the Management Plan.

Summary

The recently released Local Government Internal Audit Guidelines has added more governance requirements in councils and highlighted the integration with risk management and compliance. It is recommended that a new position covering governance and corporate development be advertised, utilizing existing resources. The position will manage many governance functions identified in the last Organisational Review which have not been resourced since its release.

Report

This report proposes a solution to the need for resources in the areas of governance, risk management, project management and corporate planning. The funding of the solution will be within existing resources.

Internal Audit Guidelines

The Department of Local Government (the DLG) has released Internal Audit Guidelines (the Guidelines) under section 23A of the *Local Government Act 1993* (the Act). Pursuant to section 23A of the Act, Council **must** take the Guidelines into consideration before exercising any of its functions. These guidelines have been separately circulated to Councillors previously.

The Guidelines state that *all* councils should have an internal audit function for the following reasons:

- It supports good governance
- To ensure consistency with other levels of government
- To improve the effectiveness of risk management, control and governance processes
- Helps to instill public confidence in an organisation's ability to operate effectively.

The Guidelines have identified the scope of internal audit as including the following areas:

- Compliance with laws, regulations, policies, procedures and contracts.
- Safeguarding of assets.
- Effectiveness and efficiency of operations and resource usage.
- Adequacy and effectiveness of the risk management framework.
- Reliability and integrity of financial and operational information.

What Wentworth Shire Council needs to do

As we are well aware, risk management is an important component of corporate governance. The DLG considers that enterprise risk management should be utilised; that is, the holistic management of all risks within council, not just insurable risks or occupational health and safety. This organisation has made a start along these lines, particularly in the area of occupational health and safety, but needs to go further.

Such risks might include exposure to such things as economic or financial loss, physical damage, failure of a project to reach its objectives, ratepayer dissatisfaction, unfavourable publicity, a threat to physical safety or breach of security, mismanagement, corruption, fraud, legal action against council and council's dismissal.

It is submitted that to comply with these guidelines (at the minimum) and to ensure statutory compliance, safeguard our assets and minimise our exposure to risks (at a whole of council level) we need to create an internal audit function and dramatically ramp up our present governance and risk management activities.

To this end, risk assessments across the whole of Council need to be conducted annually, internal audits need to be conducted on an ongoing basis and remedial actions followed up and implemented.

I envisage that a Councillor Officer should be responsible for such actions in conjunction with the management of our governance activities. They will identify the key risks and the controls that mitigate our exposure to such risks and through the audit process they will test the effectiveness of our controls and make recommendations to management and assist with improving our controls. The focus will not only be on risk but also continuous improvement.

Obviously it is also imperative that we comply with all relevant legislation, regulations, best practice (as identified by DLG, ICAC, the NSW Ombudsman and other agencies) and our own policies and procedures. At present our legislative compliance activities are done on an ad hoc basis at best and in some areas no compliance reviews are taking place.

To this end, the officer charged with the duties stated above will also be conducting ongoing reviews of our legislative and internal policy compliance and reporting inadequacies, breaches and recommended courses of action to the General Manager and the Audit Committee.

The officer will also ensure that council and staff are kept up to date with legislative, regulatory, best practice and policy changes, which often occur without the relevant staff being aware, thus placing Council in the potential situation of breaching legislation or operating in a redundant regime. The officer will also ensure that our governance systems and internal controls (such as policies and procedures) are regularly reviewed and updated and amended accordingly.

As a minimum we need to identify our key risks across all of council's activities, functions and operations. Our internal audit activity will need to identify and evaluate our exposure to risk and improve our governance, risk management and control systems through regular review.

We will also need to review our Audit Plans on at least an annual basis, which should set forth the keys risks to be evaluated during the 12 month period in question.

We will need to review and amend (if necessary) our Internal Audit Charter and create policies in relation to our risk management and internal audit activities. We will commence these activities in the first quarter of 2009.

Staffing requirements to carry out these additional tasks

Presently we have a governance review program in place, where the DLG Promoting Better Practice Review Checklists are utilised as a form of internal audit following the organisational review. We had made solid progress using consultants from time to time to not only identify areas that need improvement, but, also implement the actions required to ensure compliance.

However, once the consultant had finished this initial phase, our compliance rating stagnated and, in my opinion, has not improved sufficiently during the previous twelve month period. I have mentioned this likelihood previously as the percentage compliance increases.

Staff are unable to spend sufficient time to actually go through the checklists and fix problematic areas and improve weaknesses where identified. This has produced the situation where we are aware that specific areas of our operations do not comply with legislation or are not up to the acceptable standard as prescribed by the DLG. This leaves Council vulnerable from a legislative compliance perspective and also from a review from the DLG, which could occur as early as June 2009.

Further, it has become apparent that a number of statutory amendments have taken place during the last year and we as an organisation have either not fully met these requirements or in some cases have not been aware of the changes, thus, we have been in breach of the Acts in question. This has occurred because the present staff; due to carrying out their own day to day duties, are unable to devote sufficient time to keep abreast of statutory changes and best practice updates. A more proactive approach to keeping abreast of legislation will improve this situation.

Put simply, for this organisation to move forward and ensure it is complying fully with the law and meeting current expectations; an additional officer/manager is required to carry out the tasks outlined above. I envisage that the officer would also be responsible for carrying out additional tasks such as:

- Assist with advice to council and staff on legal issues including:
 - development of agreements for leases and licenses
 - monitoring updates of general legislation and ensuring systems are developed where appropriate
 - drafting of legal documents
 - coordination of all contracts, including:
 - tenders processing
 - review and market testing contractual arrangements
 - test compliance with contracts
 - general legal matters
- Advice to the General Manager on legislation, including:
 - council and staff in regards to pecuniary and non-pecuniary conflict of interests
 - reviewing council policies, codes and practices on a regular basis and updating them as required (last comprehensive review of policies was done in 2006)
 - creating new polices and codes as required
- Assist with corporate strategic planning for the organisation, including:
 - drafting/reviewing the associated documents and plans

- monitoring review of documents so they are relevant and not forgotten
- Ensuring that staff are kept abreast of legislative amendments, best practice and State Government advice such as departmental circulars and guidelines, including:
 - coordination of the Department of Local Government Promoting Better Practice Program
 - assist directors in achieving as close to 100% compliance as possible with the program
 - review online advice that is not likely to be received by the this organisation but still relevant in our day to day operations
- Conducting administrative investigations as required and authorised by the General Manager
- Coordinate grant applications on behalf of the organisation
- Coordinate the Continuous Improvement Program, including:
 - continuous review of all services in the organisation
 - coordinate review of all processes and procedures in the organisation
 - identification of productivity savings in the organisation
 - recommend changes to processes and structure where appropriate
- Manage projects that have a significant legal content such as the levee easement project for example (considerable saving on legal fees)

For the reasons canvassed above, it is recommended that the present structure is changed to create a Manager Governance and Corporate Development position that would be responsible to the General Manager for completing the tasks/duties identified within this report.

Primarily, this would ensure that our internal audit function, risk management function and legal compliance requirements are met. This would also ensure that many other areas within the organisation, which are currently below an acceptable standard, through being under resourced, are brought up to an acceptable sustainable level. In this regard it is important to understand that any meaningful change must be sustainable.

Corporate Strategic Planning

This position is seen as important to allow the General Manager to move partly away from day to day administrative detail and be able to devote more time to strategic and corporate planning.

The Organisational Review 2006, presented to me for implementation on my appointment in 2007, identified many issues relating to governance, compliance and strategic planning, but failed to recommend resources to support the work that was needed.

The General Manager has become more involved in the day to day running of detailed administration because of the gap that exists in the organisational capacity to deal with governance and related issues.

The level of the position is being pitched at middle management to maximise our ability to attract a person with the skills, drive and experience. Therefore, this position will not only focus on immediate issues but also focus on the longer term building of organisational capacity. This will result in a lasting change and not just a good result for a short period.

Support for Directors and Other Positions

Council is aware that management has embarked on an ambitious strategy to reduce its outstanding leave liability over a three year period. As previously reported a number of key personnel need to take more than their normal annual leave allocation to fit in with this strategy. This position will assist in stepping into areas where it will be difficult to manage whilst some of these staff are on leave. The position will support the relevant teams where appropriate and where external replacements are either not appropriate or difficult to find. On these occasions the officer's time will be costed to the relevant area in the organisation.

Policy and Management Plan Implications

Operational efficiency and effectiveness, compliance with legislative requirements, and managing governance and legal aspects of major projects.

Conclusion

A similar position to that proposed was identified in 2007 as required in the organisational structure. The internal audit guidelines from the Department of Local Government has now been incorporated into this position, including the coordination of grants. The position will be funded from funds allocated for a grants officer, partly funded from ongoing projects such as the levee easements, legal fees and internal audit consultancy which is already in the Management Plan.

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

CARRIED

Note: Crs. McKinnon and Wheeldon requested that their votes be recorded against the item.

12.1.5 Mobile Coverage Between Wentworth and Coombah

Responsible Officer: General Manager
Author: General Manager
Implications: Governance
File Reference: C9/7
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

- a) That Council write to Optus and the State Government to request funding and/or a service along the Silver City Highway.
- b) That Council gathers information in support of the case for such as service.

Purpose

To advise of correspondence in relation to attempts to improve mobile coverage between Wentworth and Coombah on the Silver City Highway.

Summary

Self explanatory.

Report

Council forwarded a letter to the Regional Telecommunications Independent Review Committee regarding mobile coverage between Wentworth and Coombah on the Silver City Highway.

The matter was also raised with the Hon. Sussan Ley MP, Federal Member for Farrer. She has provided a copy of correspondence from Optus which states that "as discussed during our meeting in our Canberra Office last week, Optus does not have any mobile telecommunications infrastructure in this remote area NSW. Optus does not have any plans at present to extend its coverage into this area of NSW."

The member has suggested that Council conduct a survey or put together a petition which might demonstrate the number of travellers who use a mobile phone service.

Council has argued that emergency services is particularly affected by poor reception. It is submitted that an approach should be made to Optus for an improved service and to the State Government requesting some funding for the installation.

Policy Implications

Operations and community advocacy.

Conclusion

Improved mobile services are important along the Silver City Highway to the residents of the Shire, travellers and emergency services.

Moved Crs. King and Thompson that the recommendation be adopted.

CARRIED

12.1.6 Rural Fire Service Agreement and Council's Zoning Agreement

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Governance
File Reference:	C9/7
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Agreements

Recommendation

That Council affixes the common seal to the Rural Fire Zone Service Agreement and Lower Western Zone RFS Zoning Agreement.

Purpose

To authorise affixing of common seal to the Rural Fire Zone Service Agreement and Lower Western Zone RFS Zoning Agreement.

Summary

Self explanatory.

Report

The Rural Fire Zone Service Agreement and Lower Western Zone RFS Zoning Agreement are presented for sealing. The first agreement is between the Balranald Shire Council, Wentworth Shire Council and the NSW Rural Fire Service. The second agreement is between the Balranald Shire Council and the Wentworth Shire Council.

The agreements are in line with previous agreements. The Rural Zone Service Agreement continues to formulate arrangement in accordance with section 12A of the Rural Fires Act 1997 (NSW). The Zoning Agreement continues to formulate and arrangement entered into by the two Councils based on the South Western RFS weather district. Wentworth Council hosts the financial and accounting support services for the zone.

Policy Implications

Management Plan.

Conclusion

The agreements confirm arrangements that have in place for many years.

Moved Crs. Nichols and Thompson that this item be deferred until Councillors had the opportunity of reading the zoning agreement details.

CARRIED

Item 12.1.6 was dealt with after item 13.

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

CARRIED

12.1.7 Western Division Motions for 2009 Annual Conference

Responsible Officer: General Manager
Author: General Manager
Implications: Governance
File Reference: C9/7
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council adopts the motions contained in this report for submission to the next Western Division Annual Conference to be held in early March at Balranald.

Purpose

To present motions for consideration.

Summary

Self explanatory.

Report

The annual Western Division Conference is being held in Balranald in March 2009.

The Conference is the main forum for the Division to consider policy decisions and the formulation of motions for submission to the Shires Association Conference in June 2009.

The following issues have been submitted in the last twelve months:

- Seeking funding for the establishment of regional planning offices.
- Request to provide greater weight to the sustainability of rural villages and towns when making decision on water allocations during periods of drought and low water storages.
- Request to maintain teacher incentives in rural and isolated areas of NSW.
- Seeking assurances that the Water Buy Back Scheme included adequate compensation for affected rural communities.
- Seeking a review of processes involved in accrediting doctors in NSW.
- Sought a review of Western Division strategic direction

The following motions have been drafted:

Category Environment

Motion:

That the Western Division Group of Shires write to the State Government requesting that it introduce a 10 cent refund system on all recycled bottles and cans, similar to the successful program in South Australia.

Note from Council:

Wentworth Shire Council has raised this issue a number of times. The Shire believes that the development of a refund policy on recycled bottle and cans will go a long way to addressing environmental concerns particularly along transport corridors. The Shire is a major tourist destination and the visual appeal of the area is somewhat downgraded because of roadside bottles and cans.

Action Desired:

1. Send to Annual Conference of Shires Association of NSW.
2. Representation by the Western Division to the State Government.

Category Planning

Motion:

That the Western Division Group of Shires makes immediate representations to the State Government requesting that it develops a land use planning approach to rural

lands to ensure that the “lot size for a dwelling entitlement” is based on local circumstances and actual trends including the existing pattern of farming, existing pattern of allotments, current pressure for subdivision and dwellings and current pressure for change and, further, that a degree of flexibility in the planning system in rural areas be provided that enables merit consideration of exceptional cases which do not comply with the Local Environmental Plan.

Note from Council:

Wentworth Shire Council seeks a way forward to facilitate land previously used for horticultural purposes, to allow rural lifestyle living. Within the Wentworth Shire Area there are four recognised irrigation areas which are subject to being non profitable due to difficult and demanding times, whether it be caused by climate change, government policy or simply the drought.

In considering the impact this has on rural communities Wentworth Shire Council acknowledges the need for flexibility to recognise the full variety of agricultural pursuits and the range of allotment sizes appropriate for these uses. Council’s point of view is that rural residential development undertaken through proper planning is a legitimate use of land and contributes significantly to rural communities and economies. In considering this concept it is necessary to include off farm income as a legitimate inclusion in measuring farm viability. The minimum lot size considered in isolation is not an adequate measure of farm viability.

Land use conflicts can be addressed by proper planning, provision of adequate buffers and improved management practices.

It is essential that government articulate a preferred land use planning approach to rural lands to ensure that the “lot size for a dwelling entitlement” is based on local circumstances and actual trends including the existing pattern of farming, existing pattern of allotments, current pressure for subdivision and dwellings and current pressure for change. In addition the government should provide a degree of flexibility in the planning system in rural areas that enables merit consideration of exceptional cases which do not comply with the Local Environmental Plan (e.g. new technology, family situations etc.).

Action Desired:

1. Send to Annual Conference of Shires Association of NSW.
2. Representation by the Western Division to the State Government.

Policy Implications

Western Division and Council policy.

Conclusion

The Western Division Conference remains a valuable forum for policy making. A number of Councillors and the General Manager represent Wentworth Shire Council at the Conference.

Moved Crs. King and Wakefield that the recommendation be adopted with the inclusion of the following items for consideration of motions:-

1. *Separation of land from water*
2. *Leasehold land to be converted to freehold*
3. *Container Deposit legislation*
4. *Adequate funding for removal of roadside rubbish*

and that the Mayor and General Manager compile motions for the Western Division conference and distribute to Councillors for their perusal before the motions are sent to Balranald.

CARRIED

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: 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, 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 December 2008 were \$358,034.02. After allowing for pensioner subsidies, the total Rates and Charges collected are now 52.63% of the levies. A summary of the Rates and Charges situation as at 31 December, 2008 is as follows:-

Levies		
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	24,452.29	
+ Additional Charges	30,029.27	
- Credit Adjustments	19,730.17	
- Farmland 20% capped	1,078.82	

- Abandonments	918.22	476,413.21
		7,414,595.36
<u>Deductions</u>		
- Payments	3,751,621.67	
- Less Refunds of Payments	3,371.41	3,748,250.26
- Pensioner Subsidy:-		
Government Subsidy	84,902.67	
Council Subsidy	69,457.61	154,360.28
Total Rates/Water Charges Outstand		\$3,511,984.82

Note: For comparison purposes 53.84% of the levy had been collected at the end of December 2007.

Reconciliation And Balance Of Funds Held As At 31st December, 2008

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31st December, 2007 and the investments have been made in accordance with the Act, the regulations and Council's investment policies.

Combined Bank Acc.

Cash Balance as at 1st December, 2008 \$3,578,471.73 Dr

Add: Receipts for Period Ending 31st December, 2008 5,567,727.25
Rates, Debtors, Miscellaneous

Less: Payments for Period Ending 31st December, 2008 8,813,124.24
Cash Book entries for this Month

Cash Balance As At 31st December, 2008 \$ 333,074.74 Dr.

Investments

Bank	TD/C.Bill		
LGFS	FI 30 Days @ 4.90% due 31/12/2008	926,530.72	
Community CPS Aust 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 91 Days @ 5.59% due 9/3/2009	1,000,000.00	
Bank West (Sydney) Bank	TD 91 Days @ 6.3% due 9/2/2009	1,500,000.00	
Macquarie Bank Ltd	TD 90 Days @ 6.0% due 9/3/2009	4,000,000.00	
Aust. Central Credit Union	TD 90 Days @ 5.7% due 16/3/2009	1,000,000.00	
Bank West	TD 94 Days @ 6.4% due 9/2/2009	1,000,000.00	
Aust. Defence Credit Union	TD 90 Days @ 5.81% due 16/3/2009	1,000,000.00	
St George Bank	TD 89 Days @ 5.60% due 15/3/2009	1,000,000.00	14,226,530.72
TOTAL			\$14,559,605.46

Commitments

Details	Amount	
Internal Restrictions	\$	\$
- Employee Entitlements	1,318,110	
- Doubtful Debts	129,946	
- Tip Remediation	133,507	
- Future Development Reserve	510,259	
- Murray Street Acquisition	200,000	
- Plant Replacement Reserve	831,320	
- Water Fund	1,838,687	
- Sewer Fund	754,071	
Total Internal Restrictions		5,715,900
External Restrictions		
- Trust	149,255	
- Developer Contribution Reserve	592,599	
- Unexpended Grants	2,375,494	
Total External Restrictions		3,117,348
Total Commitments as at December 2008		8,833,248

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	43,490.90	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	660,023.30	19/08/2012
Loan 182	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	6.96%	178,000.00	53,551.02	19/08/2012
Loan 187	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	7.084%	1,454,000.00	768,021.26	19/11/2009
Loan 195	National Australia Bank	Midway/Memorial Gardens	6.904%	1,700,000.00	1,254,618.74	30/06/2021
Loan 198	Commonwealth Bank	Wentworth Streetscape	6.15%	220,000.00	61,792.63	25/01/2011
Loan 199	National Australia Bank	Wentworth Aerodrome	6.904%	300,000.00	250,805.74	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	4,079,103.14	

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 King that the recommendation be adopted.

CARRIED

12.2.2 Wentworth Polo Club Inc. – Annual Fees Write Off

Responsible Officer: Director Corporate & Community Services
Author: Terri Maguire
Implications: Management Plan
File & References: P50015/0003-02
Attachments: Nil
Separately Circ.: Nil
Tabled: Nil

Recommendation

That Council approves the waiver of the Wentworth Polo Club Inc. debt of \$4,791.20 invoiced for the use of the Showgrounds for Polo events for the 2006/2007 and 2007/2008 financial years.

Purpose

The purpose of this report is to seek Council approval to write off the Wentworth Polo Club Inc. debt due to the poor condition of the Showground and the inability to hold the Polo events in the 2006/2007 and 2007/2008 financial year.

Summary

A request has been received from the Captain of the Wentworth Polo Club Inc. to write off outstanding debt associated with the rental of the Wentworth Showgrounds.

The drought conditions have rendered the Wentworth Showgrounds unusable. The annual event that generates revenue to pay Council for the hire of the grounds has been cancelled for both years that has resulted in the outstanding debt.

Report

The Wentworth Polo tournaments are recognised on the circuit as the most enjoyable of the country rounds and always enjoy good support from visiting teams that travel from as far away as 1000 kilometres for the event. They are keen to keep the Wentworth Showgrounds complex as their base and to hold their event if circumstances change.

The Wentworth Polo Club Inc. have cancelled their annual tournament normally held at the end of March each year for two consecutive years because of the poor condition of the grounds.

Even with intensive watering, the poor ground cover of the field would still prevent the Polo Club from holding their annual event as the current watering restrictions and budget constraints prevent the Showgrounds from being green all year round and in acceptable condition for practice.

The inability of the Club to raise funds through their annual event has resulted in the request to waver the rent of the grounds for 2006/2007 and 2007/2008.

Policy and Management Plan Implications

Nil

Conclusion

It is recommended that Council write off the debt of \$4,791.20 being rental of the Showgrounds for the 2006/2007 and 2007/2008 financial years due to their inability to use the grounds as a result of the poor condition.

Moved Crs. King and Wheeldon that this item lay on the table until it has been referred to the Showgrounds Committee for comment.

CARRIED

12.2.3 NSW Department Of Primary Industries Rural Women's Network – Waiving Of Fees

Responsible Officer:	Director Corporate & Community Services
Author:	Terri Maguire
Implications:	Management Plan
File & References:	C14/9
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That Council approves a waiver of charges to hire the Community Rooms for the purpose of preliminary meetings associated with hosting the 2010 Women's Gathering in Wentworth.

Purpose

The purpose of this report is to seek Council approval to waiver charges for hiring out the Wentworth Community Rooms to the NSW Department of Primary Industries Rural Women's Network.

Summary

A request has been received from the Secretary of the Committee for the Rural Women's Network to waiver hire charges for the Wentworth Community Rooms.

The Committee is seeking to host the 2010 Women's Gathering in Wentworth.

Report

The committee is submitting a proposal to host the 2010 Women's Gathering in Wentworth. The Gatherings can attract 300 women from all areas of the state of New South Wales and are generally widely advertised through many media outlets.

This will generate publicity and revenue for Wentworth through many services including accommodation and meals and possible return visits at a later date.

The committee has no financial support and is requesting in-kind support for this venue to hold more regular meetings until October 2010.

Policy and Management Plan Implications

Nil

Conclusion

It is recommended that Council offer in-kind support to the Committee by waiving fees associated with venue hire for the purpose of submitting the proposal and continued support if the application is successful.

Moved Crs. Nichols and Hederics that Council offer in-kind support to the Committee by waiving fees associated with venue hire for the purpose of submitting the proposal.

CARRIED

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 Application 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 receive and note the report.

Purpose

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

Report

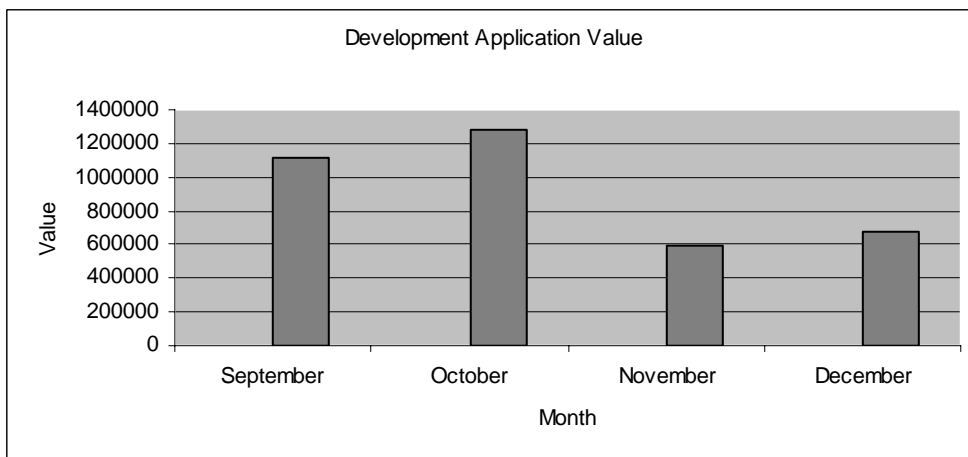
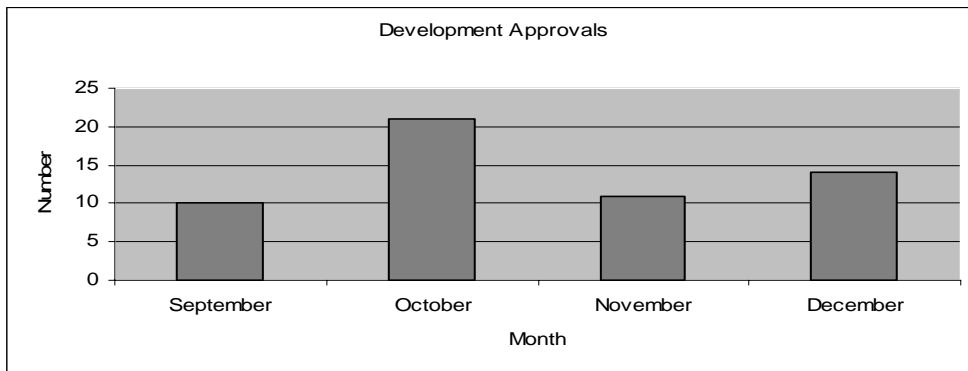
DA No	OWNER / APPLICANT	LOCATION	DEVELOPMENT TYPE & VALUE	NO. DAYS	DATE APPROVED
08/147	Mildura Drum Co., Parker A.J. & R. D.	Lot 13 DP804043 Church Road Curlwaa	Relocate Dwelling (\$65,000)	33	Approved STC 1/12/2008
08/071	Roy Costa & Associates	Lot 8 DP 1118464 Modica Crescent Buronga	Industrial Development and Two Lot Subdivision (\$40,000)	138	Approved STC 1/12/08
08/048	M G Golitschenko	Lot 5 DP 285896 Buronga	Two Lot subdivision	28	Approved STC 2/12/08
08/136	Sunraysia Sports Aircraft Club, Woodward, R	Lot 1 DP 1109087 Old Renmark Road Wentworth	Verandah to existing hanger (\$2800)	51	Approved STC 08/12/2008
08/134	Flanner, NJ, Doody, CJ, Black AH, Brent Williams & Ass.	Lot 871 DP 756961 (60) Pitman Avenue Buronga	Three (3) additional dwellings (\$350,000)	54	Approved STC 09/12/2008
26/06 S96 Modification	Brook, WR & JM	Lot 4 DP 546441 River Road Pomona	Dwelling on floodplain	46	Approved STC 10/12/2008
156/06	Kelly, G.C.	Lot 3049 DP 765244 Armstrong Avenue Wentworth	Five (5) Lot Industrial Subdivision	39	Approved STC 10/12/2008
08/140	Hammet B.N.	Murray River South Side 850 River KMS (Merbein Mooring Area)	Mooring site	46	Approved STC 10/12/2008
08/159	Cooke, RJ	Lot 66 DP 1071972 The Cobb Co Way Gol Gol	Storage Shed (\$11826.00)	7	Approved STC 10/12/2008
08/148	Minion, J.E	Murray River South Side 850 River KMS (Merbein Mooring Area)	Mooring Site	41	Approved STC 12/12/2008
08/162	Hurley, MJ BW&A	Lot 50 DP 1069595 (25) Drings Way Gol Gol	Storage Shed (\$20,000)	13	12/12/2008
08/135	International Power (Aust.) 525 Collins Street Melbourne	Lot 2 DP 1037845 Arumpo Road Mourquong	Two lot Subdivision	56	Approved STC 15/12/08
08/168	M G Golitschenko	Lot 4 DP 285896 (8) Murray Way Buronga	Dwelling (\$170,000)	10	Approved STC 24/12/2008

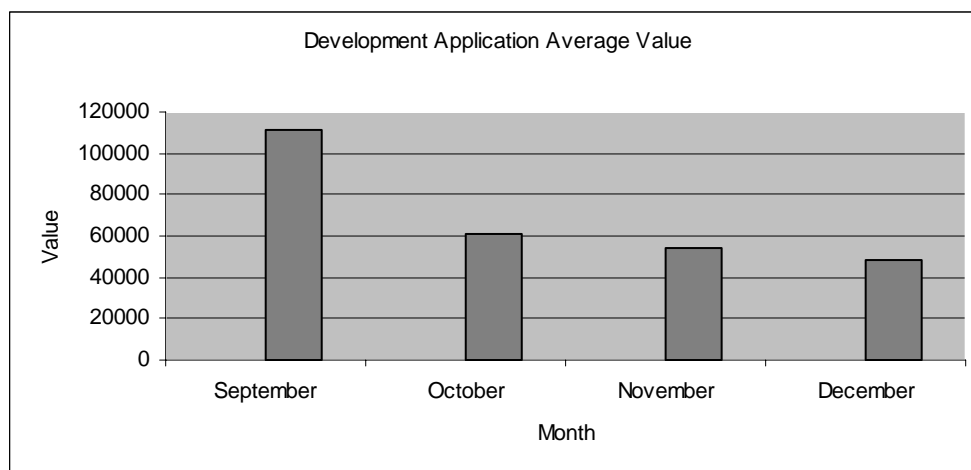
08/085	Dean Zrna	Lot 1 DP 1035201 River Drive Buronga	Two (2) Lot Subdivision	138	Approved STC 24/12/08
08/158	J. & A. J. Bunny, BW&A	Lot 10 DP 1060701 (16) Murray Street Gol Gol	Dwelling extension / Outdoor area (\$19,600)	2	Approved STC 24/12/2008

Summary

For the month of December there were 14 Development Applications + 1 Section 96 Application to modify consent approved under delegated authority by the Director - Development & Environment. The estimated cost of the approved developments is \$679,226.00. The following data and graphs indicate comparison of value for previous months of this financial year.

Month	DA's Approved	Value	Average
September	10	\$1,115,138	\$111,514
October	21	\$1,283,585	\$61,123
November	11	\$592,960	\$53,905
December	14	\$679,226	\$48,516
Total	56	\$3,670,909	\$275,058





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

CARRIED

12.6.2 Update on Meeting with Department of Planning on Shire LEP

Responsible Officer: Director - Development & Environment
 Author: Director - Development & Environment
 Implications: Local Government Reform
 File & References: L1/42-1
 Attachments: Nil
 Separately Circ.: Nil
 Tabled: Nil

Recommendation

That Council notes the verbal report on the meeting between Council staff and Department of Planning in relation to the Shire LEP.

Purpose

To provide a verbal report on the mandatory meeting between Shire staff and the Department of Planning held in Sydney on Tuesday 20 January 2009, in relation to the Shire's draft Local Environmental Plan and the Local Environmental Strategy.

Should further documentation be available it will be tabled at the meeting.

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

CARRIED

Adjournment

At 10.18am moved Crs. Nichols and McKinnon that Council suspend standing orders for the Mayor to undertake a Citizenship ceremony for Leanne Byrnes.

CARRIED

Resumption

At 10.51am moved Crs. Wheeldon and King that Council resumes the Council meeting, with all Councillors present.

CARRIED

12.7 PRINCIPAL ACTIVITY: RECREATION & CULTURE

12.8 PRINCIPAL ACTIVITY: STATUTORY & STRATEGIC PLANNING

12.9 PRINCIPAL ACTIVITY: BUILDING CONTROL

12.10 PRINCIPAL ACTIVITY: SUSTAINABLE ECONOMIC DEVELOPMENT & GROWTH

12.10.1 Report on the Wentworth Regional Tourism Inc. Meeting held 1 December 2008

Author: Chair, WRTI
Implications: Nil
File Reference: E1/12-7
Attachments: Nil
Separately Circ.: Minutes of WRTI 1/12/08
Tabled: Nil

Recommendation

That Council receives and notes the minutes of Wentworth Regional Tourism Inc. Meeting held 1 December 2008.

Purpose

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

Report

The minutes of the WRTI Committee meeting which were held on 1 December 2008 at Visitor Information Centre, Wentworth are submitted for the information of Council and include the following:-

- Matters Arising from previous minutes
- Correspondence Inwards
- Correspondence Outwards
- General Business
- Items for discussion:-
 1. Xmas breakup
 2. DRR Update
 3. Outback NSW Tourism Update
 4. Wentworth Booklet
 5. Mardi Gras Float
 6. Black tie Ball
 7. Funding Opportunities
 8. Accessible Outback Publication
 9. NSW Outback Symposium

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

CARRIED

12.11 PRINCIPAL ACTIVITY: ENVIRONMENTAL MANAGEMENT**12.12 PRINCIPAL ACTIVITY: DOMESTIC WASTE MANAGEMENT****12.13 PRINCIPAL ACTIVITY: ROADS & BRIDGES (INFRASTRUCTURE)****12.14 PRINCIPAL ACTIVITY: WATER SUPPLIES****12.14.1 Wentworth Shire Council Water Restrictions for Council Supplied Water**

Responsible Officer:	Acting Director Infrastructure and Assets
Author:	Acting DIA and General Manager
Implications:	Levels of water use
File Reference:	File
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That Council considers, under the provisions of Clause 31, Division 5 of the Water Management (Water Supply Authority) Regulations 2004, the relaxation of Level 2A Water Restrictions and the setting of a new level, until further notice.

Moved Crs. McKinnon and Hederics that the supplementary report on this item be admitted for consideration because of the need to make a timely decision on water restrictions as a result of information supplied by the State Government since the production of the agenda and the current high temperatures being experienced.

CARRIED

12.14.1 Supplementary Report - Wentworth Shire Council Water Restrictions for Council Supplied Water

Responsible Officer:	Acting Director Infrastructure and Assets
Author:	Acting DIA and General Manager
Implications:	Levels of water use
File Reference:	File
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That Council considers, under the provisions of Clause 31, Division 5 of the Water Management (Water Supply Authority) Regulations 2004, the relaxation of Level 2A Water Restrictions and the setting of a new level, until further notice.

Purpose

To advise of the current allocation levels and implications for Council's water restrictions, and adjust water restrictions where deemed appropriate.

Summary

The Department of Water and Energy have declared that under their water restrictions policy critical human needs have been secured for 2009/2010 and high security allocations are over 80%. Council is now responsible for managing their water supply in line with their entitlement.

If the water situation worsens, the restrictions could be reviewed again on or about 1 July.

Report

The Water Management (Water Supply Authorities) Regulations 2004 were created under the provisions of the Water Management Act 2000. Clause 31 of the Regulations enables Council, as a Water Supply Authority, to implement 'Restrictions on use of water during periods of shortage'.

The restrictions are made by resolution of Council and published in a newspaper circulating throughout the shire. Enforcement of the restriction is provided through both the above Regulations and the Local Government Act.

Current Position

Council currently operates under Level 2A water restrictions, adopted in November 2008.

Under Level 2A, a total of 8 hours maximum per week of garden watering, with a maximum 4 hours per week permitted for lawn watering, within the designated hours was adopted.

Watering Policy Options

Any number of options are available, but uniformity with our neighbouring municipalities would be ideal.

As an example Murray Shire is likely to go with 12 hours of watering per week at allocated times using:

- Hand held hose with trigger nozzle
- Manual dripper systems and/or movable sprinklers operating through a tap timer
- Automatic sprinkler systems
- Vehicle washing by hand held hose with trigger nozzle or high pressure cleaning devices on a soft surface
- New pools and spas may be filled from Councils water supply. Existing pools may be filled by automated systems or by hand held hose with trigger nozzle

Based on discussion that the General Manager and acting Director Infrastructure and Assets have had with representative of Murray councils, these restrictions are likely to be more relaxed than those in Albury and Hume as councils in that area of the Murray are favouring keeping with as close to level 2A as possible. Councils closer to Wentworth are favouring more relaxed restrictions at level 2 with change in hours and some changes to conditions relating to pools and vehicle etc.

It is argued that Wentworth Shire Council could go down the path of more relaxed restriction, based on level 2, with the following changes as an option to consider:

- Retain the hours of daily watering from 6pm to 10am
- Move from up to 8 hours per week to 16 hours of watering
- Move from up to 4 hours per week of lawn watering to 8 hours per week (within the overall limits of hours).
- New pools and spas may be filled from Councils water supply. Existing pools may be filled by automated systems or by hand held hose with trigger nozzle
- Hand held hose with trigger nozzle
- Manual dripper systems and/or movable sprinklers operating through a tap timer
- Automatic sprinkler systems
- Vehicle washing by hand held hose with trigger nozzle or high pressure cleaning devices on a soft surface
- Relaxing of other level 2A conditions that are consistent with moving to level 2 water restrictions

Policy and Management Plan Implications

Council water restrictions are currently at level 2A and are based on 8 hours per week.

Conclusion

The Department of Water and Energy have advised that the allocations to Murray River towns is now over the 80% level and water supply for critical needs for town use next year has been reached. This means that water restrictions can be relaxed from the current level, and the Council can now set that level accordingly.

Moved Crs. Nichols and King that Council moves from level 2A water restrictions and adopts level 2 water restrictions until further notice, based on the following changes:

- ***12 hours in total per week for watering from 6pm to 10am (gardens, lawns, etc.)***
- ***New pools and spas may be filled from Councils water supply. Existing pools may be filled by automated systems or by hand held hose with trigger nozzle***
- ***Hand held hose with trigger nozzle***
- ***Manual dripper systems and/or movable sprinklers operating through a tap timer***
- ***Automatic sprinkler systems***
- ***Vehicle washing by hand held hose with trigger nozzle or high pressure cleaning devices on a soft surface***
- ***Relaxing of other level 2A conditions that are consistent with moving to level 2 water restrictions***

and, further, that appropriate information be disseminated throughout the community.

CARRIED

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. King and Wakefield that the recommendation be adopted.

CARRIED

14. QUESTIONS WITHOUT NOTICE**Cr McKinnon**

Enquired as to whether Council had received valuations data from the latest General Revaluation for Wentworth Shire Council. The General Manager advised that a listing had arrived and was being reviewed by staff with a full report to be presented to Council in due course.

Cr Wakefield

Raised the matter of overgrown weeds and requested that walkways in Gol Gol and River Bend be sprayed.

Cr Whitfield

1. Raised the matter there is no access to Alcheringa Sporting Complex, only a roadway grid from Carramar Drive. An ideal position to install a gate for access would be from the shared walkway on the Sturt Highway.
2. Raised the matter of the inconvenience that the Midway Tennis Courts are locked and that users have to seek key from a neighbouring resident. The issue of whether courts could be left open and nets locked to posts to be investigated.
3. Raised the matter of houseboats along the river bank at James King Park restricting view for speed boats. This safety issue is to be in the overall plan to manage the congestion of skiers, houseboats and swimmers.

Cr Nichols

1. Raised the matter of the rubbish bin in front of Murphys Deli and asked if that could be moved to another site. Cr Nichols advised that the renovations to the Deli were very impressive and maintained the old style look of the building. Also can the area of lawn in front of deli be either be replaced with pavers or maintained as lawn? These issues will be investigated.
2. Raised the issue of flushing the water mains. There have been complaints of floating objects in the water. The Director Development and Environment that Council tested for water quality regularly and have had very good results.

Cr Thompson

1. Raised the issue of the rubbish bins at the Willow Bend Caravan Park - they need to be relocated or emptied more regularly as the odour is offensive to residents next door.

Moved Crs. Nichols and Wakefield that a report be submitted to Council regularly in relation to the 150 years celebrations.

CARRIED

Moved Crs Thompson and Whitfield to admit as urgent discussion in relation to a representative from the Ruby Board (S355 Council Committee) to attend the Australian Maritime Museums Council Conference in Hobart which will occur before the next Council meeting.

CARRIED

Moved Crs. Thompson and King that Council pay for one airfare for a member of the Ruby Board to attend the Hobart Conference on 5 and 6 February 2009.

CARRIED

Note: Crs. McKinnon, Nichols, Wheeldon and Wakefield requested that their votes be recorded against this item.

Cr King

1. In response to a question on the success of Council's "tap timer" program the general Manager advised that 35 timers had been processed in the first week.
2. Expressed strong views that rubbish bins should not be located at houseboat pump out stations as they did not convey a good image for the entrance of Wentworth.

Cr Wheeldon

Requested that information be supplied to Councillors about the amount of funds collected so far in relation to water charges. The General Manager said that a review will be carried out and information supplied in due course.

15. NEXT MEETING

- 18 February 2009

Item 12.1.6 dealt with at 11.05am at this point of the meeting.

16. CONFIDENTIAL REPORTS**16.1 POONCARIE WEIR AND FISH LADDER TENDER**

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Governance
File Reference:	C9/7
Attachments:	Nil
Separately Circ.:	Background information of project
Tabled:	Nil

Recommendation

That as none of the tenders in relation to the construction of the Pooncarie Weir and Fish Ladder have met Council's budget requirements Council resolves to rescind original motion of 19 November 2008 as follows:

"That Council awards the contract for the construction of the Pooncarie Weir and Fish ladder to Kyabram Excavations subject to the result of further enquiries in relation to the works to be undertaken to the satisfaction of the General Manager, and that a further report be provided to Council if necessary. "

That Council resolves to *not* accept any of the tenders due to the fact that all prices were over Council's budgeted amount (Regulation Clause 178 (1)(b)).

That Council resolves to enter into negotiations with the lowest tenderer with a view to entering into a contract in relation to the subject matter of the tender (clause 178 (3)(e)).

That Council states that the reasons for entering into negotiations as referred to in clause 178 (3) (e), is that the market has been tested through the first tender process and that as the price is the only sticking point negotiations are the practical next step.

Purpose

To advise of a shortfall of \$181,500 in relation to the Pooncarie Weir and Fish Ladder project, and to rescind the original resolution of November 2008.

Report

Council on 19 November 2008 resolved to award the contract for the construction of the Pooncarie Weir and Fish Ladder subject to the result of further enquiries in relation to the works to be undertaken to the satisfaction of the General Manager, and that a further report be provided to Council if necessary.

Since that meeting it has been confirmed that the tender lodged by the lowest tenderer had submitted documentation subject to a clerical error. This tender is still the lowest.

Funding for the project is coming from Council, Catchment Management Authority and DOTARS. The shortfall for the project is approximately \$181,000.

In order to progress this matter further the following has occurred:

- additional and alternative funding options being sought.
- letters have been sent to all tenderers advising that Council is not in a position to accept their tenders because there is a significant shortfall of funds available.
- the design is being reviewed to assess whether the overall project cost can be reduced.

As none of the tenders in question have met Council's budget requirements Council should rescind the original motion to accept the lowest tender price subject to further enquiries in relation to the works to be undertaken. The required notice has been received and is listed under section 9 of this agenda.

Council should also resolve to *not* accept any of the tenders due to the fact that all prices were over Council's budgeted amount (Regulation Clause 178 (1)(b)).

Council may then resolve to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender (clause 178 (3)(e)). In this case we would only negotiate with the lowest tenderer.

If Council resolves to enter into negotiations as referred to in clause 178 (3) (e), the resolution must state the following:

- (a) the council's reasons for declining to invite fresh tenders or applications as per clause 178 (3) (b)-(d). The reasons may be the fact that the market has been tested through the first tender process and that as the price is the only sticking point negotiations are the practical next step.

As further information comes to hand a verbal report will be submitted to the Council meeting.

In terms of discussing the detail of funds available and their relationship with the overall cost of the project, it will be necessary for Council to resolve to go into Closed Council for part of the consideration of this item because of the following clause in section 10A of the Local Government Act 1993:

- (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 relevant motion would be as follows:

- a) *That Council resolves to go into closed Council to consider the confidential staff matter.*
- 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 sections 10A(2)(c) Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.”*
- 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.*

Note: the Mayor may invite the gallery to make representations as to whether the meeting should be closed.

After the closed council discussion a motion to move out of closed council and move into open council is appropriate.

Policy Management Plan Implications

The project is beyond the funds available.

Conclusion

In order for the project to proceed it will be necessary to acquire further funding for the project and negotiate with the lowest tenderer.

Moved Councillors McKinnon and Nichols:-

- a) **That Council resolves to go into closed council to consider Pooncarie Weir and Fish Ladder Tender, together with any later 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) (c) as mentioned previously.**
- 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.**

The public and media left the chamber.

Councillor King declared a conflict of interest and vacated Council Chambers at 11.55am as he is the Chairman of the Catchment Management Authority (CMA) which is providing funds towards the Pooncarie Weir and Fish Ladder project.

Closed Council

Council closed its meeting to consider item 16.1 at 11.55am.

Note: Councillor Nichols declared a conflict of interest and vacated Council Chamber 12.12pm during discussion of the Pooncarie Weir and Fish Ladder Project and related projects in Closed Council, as she resides next to one of the projects being mentioned, being the Thegoa Lagoon Project.

Open Council

Moved Crs.Wakefield and Hederics that Council move out of Closed Council and move into Open Council.

Moved Crs.Wakefield and Thompson that the recommendation in closed Council be adopted, being:

That as none of the tenders in relation to the construction of the Pooncarie Weir and Fish Ladder have met Council's budget requirements Council resolves to rescind original motion of 19 November 2008 as follows:

“That Council awards the contract for the construction of the Pooncarie Weir and Fish ladder to Kyabram Excavations subject to the result of further enquiries in relation to the works to be undertaken to the satisfaction of the General Manager, and that a further report be provided to Council if necessary. “

That Council resolves to not accept any of the tenders due to the fact that all prices were over Council's budgeted amount (Regulation Clause 178 (1)(b)).

That Council resolves to enter into negotiations with the lowest tenderer with a view to entering into a contract in relation to the subject matter of the tender (clause 178 (3)(e)).

That Council states that the reasons for entering into negotiations as referred to in clause 178 (3) (e), is that the market has been tested through the first tender process and that as the price is the only sticking point negotiations are the practical next step.

CARRIED

Council went into open Council at 12.17pm.

Councillors King & Nichols returned to Council Chambers 12.18pm

There being no further business the meeting closed at 12.28pm.