

# WENTWORTH SHIRE COUNCIL

## MINUTES

ORDINARY MONTHLY COUNCIL MEETING  
COMMENCING 9.00AM

24 June 2009

<b>1.</b>	<b>CONTENTS .....</b>	<b>2</b>
<b>2.</b>	<b>OPENING OF MEETING AND PRAYER.....</b>	<b>4</b>
<b>3.</b>	<b>PRESENT.....</b>	<b>4</b>
<b>4.</b>	<b>APOLOGIES AND APPLICATION FOR LEAVE.....</b>	<b>4</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>4</b>
<b>6.</b>	<b>DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST.....</b>	<b>4</b>
<b>7.</b>	<b>PETITIONS AND MEMORIALS .....</b>	<b>4</b>
<b>8.</b>	<b>MAYORAL REPORTS .....</b>	<b>5</b>
8.1	APPOINTMENTS BY THE MAYOR FOR THE PERIOD 21 MAY TO 23 JUNE 2009 .....	5
8.2	LOCAL GOVERNMENT SHIRES ASSOCIATION NEW SOUTH WALES CONFERENCE 1-3 JUNE 2009 .....	6
<b>9.</b>	<b>NOTICES OF MOTION.....</b>	<b>8</b>
<b>10.</b>	<b>DELEGATES REPORTS.....</b>	<b>8</b>
10.1	REPORT ON SHIRES ASSOCIATION NEW SOUTH WALES CONFERENCE, SYDNEY – 1-3 JUNE 2009 .....	8
<b>11.</b>	<b>COMMITTEE MEETING REPORTS .....</b>	<b>9</b>
<b>12.</b>	<b>OFFICERS' REPORTS.....</b>	<b>9</b>
12.1	PRINCIPAL ACTIVITY: LEADERSHIP, GOVERNANCE & STRATEGIC PLANNING .....	9
12.1.1	<i>Policies Recommended for Rescission .....</i>	<i>9</i>
12.1.2	<i>Revised Policies Recommended for Adoption .....</i>	<i>11</i>
12.1.3	<i>New Policies Recommended for Adoption .....</i>	<i>17</i>
12.1.5	<i>Code of Conduct (revised) and Conduct Review Committee .....</i>	<i>22</i>
12.1.6	<i>Risk Management Strategic Plan .....</i>	<i>24</i>
12.1.7	<i>Organisational Leadership Strategic Plan.....</i>	<i>25</i>
12.1.8	<i>Social Plan 2009-2014.....</i>	<i>25</i>
12.1.9	<i>Integrated Planning and Reporting Framework .....</i>	<i>26</i>
12.1.10	<i>Extraordinary Meeting for Planning Matters .....</i>	<i>28</i>
12.2	PRINCIPAL ACTIVITY: FINANCIAL PLANNING & ORGANISATIONAL DEVELOPMENT .....	29
12.2.1	<i>Financial Report.....</i>	<i>29</i>
12.2.2	<i>Management Plan Adoption 2009/2010.....</i>	<i>33</i>
12.2.3	<i>Namatjira Headworks Charges – Write Off.....</i>	<i>40</i>
12.3	PRINCIPAL ACTIVITY: PUBLIC ORDER AND SAFETY.....	42
12.3.1	<i>Local Emergency Management Officer (LEMO) .....</i>	<i>42</i>
12.3.2	<i>Payments to NSW Rural Fire Service, NSW Fire Brigades and NSW State Emergency Service.....</i>	<i>43</i>
12.3.3	<i>NSW Police Force – Request for Funding a Replacement Police Vessel.....</i>	<i>46</i>
12.4	PRINCIPAL ACTIVITY: HEALTHY COMMUNITIES (HEALTH SERVICES).....	47
12.5	PRINCIPAL ACTIVITY: COMMUNITY SERVICES .....	47
12.5.1	<i>Draft Youth Strategy 2009-12 .....</i>	<i>47</i>
12.6	PRINCIPAL ACTIVITY: HOUSING & COMMUNITY AMENITIES .....	48
12.6.1	<i>Development Applications Determined Under Delegated Authority .....</i>	<i>48</i>

---

12.7	PRINCIPAL ACTIVITY: RECREATION & CULTURE .....	50
12.7.1	<i>PS Ruby Committee of Management Nominations</i> .....	50
12.8	PRINCIPAL ACTIVITY: STATUTORY & STRATEGIC PLANNING.....	51
12.8.1	<i>DA08/075 Proposed Extractive Industry (Gypsum)</i> .....	51
12.9	PRINCIPAL ACTIVITY: BUILDING CONTROL.....	53
12.10	PRINCIPAL ACTIVITY: SUSTAINABLE ECONOMIC DEVELOPMENT & GROWTH .....	53
12.10.1	<i>Draft Economic &amp; Tourism Development Strategy 2009-12</i> .....	53
12.10.2	<i>Murray Street Development Wentworth – Expression of Interest</i> .....	54
12.11	PRINCIPAL ACTIVITY: ENVIRONMENTAL MANAGEMENT .....	55
12.11.1	<i>Investigation into Termites In Mulch for Nature Strips</i> .....	55
12.11.2	<i>Fire Hazards And Mulch</i> .....	56
12.12	PRINCIPAL ACTIVITY: DOMESTIC WASTE MANAGEMENT.....	57
12.13	PRINCIPAL ACTIVITY: ROADS & BRIDGES (INFRASTRUCTURE) .....	57
12.14	PRINCIPAL ACTIVITY: WATER SUPPLIES .....	57
12.14.1	<i>Water Usage Wentworth Shire</i> .....	57
12.14.2	<i>Pooncarie Weir and Fish Ladder Project</i> .....	58
12.14.3	<i>Status Update - Water Restrictions</i> .....	59
12.15	PRINCIPAL ACTIVITY: SEWERAGE SCHEMES .....	60
<b>13.</b>	<b>REPORT MATRIX</b> .....	<b>60</b>
13.1	COUNCIL MATRIX OF OUTSTANDING MATTERS.....	60
<b>14.</b>	<b>QUESTIONS WITHOUT NOTICE</b> .....	<b>61</b>
<b>15.</b>	<b>NEXT MEETING</b> .....	<b>62</b>
<b>16.</b>	<b>CONFIDENTIAL REPORTS</b> .....	<b>62</b>
16.1	LEASE THE OLD WENTWORTH GAOL.....	62
16.2	BURONGA LANDFILL LICENCE AND CONTRACT .....	63
16.3	CONTRACTUAL ARRANGEMENTS FOR SENIOR STAFF .....	64

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

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

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

The Mayor read out a 150<sup>th</sup> congratulatory email to Council received from Councillor Thompson.

***Moved Crs. Thompson and McKinnon that Council recognizes work undertaken by all concerned for the 150<sup>th</sup> celebrations in the form of a civic function.***

**CARRIED**

**4. APOLOGIES AND APPLICATION FOR LEAVE**

Councillors Mark King and Susan Nichols will be an apology for Council's meeting on 24 June 2009.

***Moved Crs. Hederics and Wakefield that the apologies from Councillors Mark King and Susan Nichols be received and noted.***

**CARRIED**

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

That the minutes of the ordinary Council meeting held 20 May 2009 be adopted as circulated.

***Moved Crs. McKinnon and Wheeldon that the minutes of the Ordinary Council meeting held 20 May 2009 be adopted.***

**CARRIED**

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

Councillor Wheeldon advised that he had a conflict of interest in item 12.1.10 which includes a matter regarding Rural Dwellings Under Clause 16(3) as this matter involves his son and family who own Grand Junction Station.

**7. PETITIONS AND MEMORIALS**

Nil

**8. MAYORAL REPORTS****8.1 APPOINTMENTS BY THE MAYOR FOR THE PERIOD 21 MAY TO 23 JUNE 2009**

Responsible Officer: Mayor  
 Principal Activity: Governance  
 Author: Executive Assistant  
 Implications: Nil  
 File & References: G3/3-3  
 Attachments: Nil  
 Separately Circ.: Nil  
 Tabled: Nil

**Recommendation**

That Council receives and notes the report.

**Purpose**

The purpose of this report is to advise Council of meetings / conferences / appointments undertaken by the Mayor for the period 21 May to 23 June 2009.

**Report**

<b>Date</b>	<b>Conference/Appointment</b>
21 May	John Williams MP meeting of Mayors & GM's at Hay
27 May	Meeting with TAFE representatives re community concept at Dareton
28 May	Meeting with Matteo Bruno re movie to be produced via Stefano DePieri
1-4 June	Western Division Mini-Conference & NSW Shires Association conference Sydney
4 June	Midway Centre Community Consultation (Focus Consulting)
9 June	Community Consultation meeting Wentworth Memorial Restrooms
11 June	Community Consultation meeting Dareton Senior Citizens Building
12 June	<ul style="list-style-type: none"> <li>• Meeting with Detective Inspector Kylie Smith re various matters</li> <li>• Official Opening of Sweat Box Art exhibition, Wentworth</li> </ul>
13 June	80 <sup>th</sup> Birthday presentation
14 June	Botanic Gardens Business Plan meeting
15 June	Community Consultation meeting Midway Community Centre
17 June	Meeting with GM & Country Energy representatives
17 June	Attendance at Country Energy Apprenticeship function Wentworth
20 June	150 <sup>th</sup> Celebrations – Official opening and sheep/parade
21 June	<ul style="list-style-type: none"> <li>• 150<sup>th</sup> Celebrations – Anglican Church Plaque Unveiling</li> <li>• 150<sup>th</sup> Celebrations – Anglican Church Dareton Dedication Hall</li> </ul>

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

**CARRIED**

The Mayor sought permission from Council to attend the Australian Council of Local Government conference which is to be held 25 June in Canberra.

***Moved McKinnon and Hederics that Council grants approval to the Mayor to attend the ACLG conference in Canberra on 25 June 2009.***

**CARRIED**

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**8.2 LOCAL GOVERNMENT SHIRES ASSOCIATION NEW SOUTH WALES  
CONFERENCE 1-3 JUNE 2009**

Author: Mayor  
Implications: Nil  
File Reference: C9/5-4  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council receives and notes the report from the Mayor on her attendance at the Local Government Shires Association of New South Wales (LGSA) Conference in Sydney on 1-3 June 2009.

**Purpose**

To report on attendance at the LGSA annual Conference and meetings held with State officials during the Conference.

**Report**

The LGSA Conference, "Challenges - Bring Them On", was attended by myself, councillors Wakefield, Nichols and Wheeldon, and the General Manager. The numbers for the Conference were good.

Prior to the LGSA Conference the Western Division Group Shires held a Mini Conference. The minutes from this mini conference will be issued as soon as they are available.

Other meetings that I attended during the time of the two conferences were:

- Discussion with planning consultants to explore the next step of Council's strategic planning process to develop its vision for the next 20-30 years. We expect to receive feedback from the meeting in due course.
- Meeting with the Director General of Primary Industries to advocate for the removal of cumbungee from river frontages. The DG advised that he would provide Council with the process to deal with the issue. Whilst it may not be possible to remove large tracks of cumbungee we left the meeting optimistic that specific areas would be considered favourably. The issue of small blocks being left vacant or unproductive as a result of the water buy back program was also discussed.
- Meeting with the Planning Ministers advisor and a senior planner in relation to progress with the Local Environmental Plan. These officers assured us that Wentworth's LEP would not be delayed unduly as a result of the resource difficulties the Department was having. They confirmed that fine tuning was currently occurring in relation to the LEP and it was seen as a priority to be completed. The 30 metre set back was discussed and we argued that Council wanted this retained rather than go to 40 metres. A meeting at officer level will be held in Sydney on 25 June and the Director General advised that if necessary he would convene another meeting to resolve issues. The issue of developing on flood prone land was also raised and whilst the provisions to consider any developments were onerous each application would be treated

on their merits. The issue of small blocks being left vacant or unproductive as a result of the water buy back program was also discussed at this meeting.

The LGSA Conference was well represented by State Government speakers, including a number of Ministers, and it was encouraging to hear from the Premier of NSW Nathan Rees. The Conference format was similar to past years.

Comments relating to presentations:

- The Premier referred to the importance of local government and need to continue to work closely with the Shires Association. It is interesting to note that since the Conference an announcement has been made that local government responsibilities will be absorbed into an expanded planning department.
- Professor Cripps, ICAC Commissioner, provided interesting insights in managing his responsibilities, including his view that councillors faced challenges in dealing with the conflicts presented by private and public interests. He also referred to the onerous nature of the Code of Conduct.
- Minister Phillip Costa for Regional Development, Water & Utilities advised that he had suspended the process where water was being bought from NSW properties by the Federal Government as the vast majority of buy backs to date had come from NSW.
- Local Government Minister Barbara Perry provided comments in relation to the Department's new integrated planning guidelines and legislation currently available for comment, updates on training sessions for councillors,
- The Planning Minister advised that costs in the Western Division would be covered by her Department in relation to the activities of the new Regional Planning Commission. The Minister also mentioned that the program of completing LEPs for all councils in the State will now be completed in 2011 because of resource issues.
- The President of the LGSA made special reference for the need to local government to consider its future in relations to the current and future challenges. Since the Conference he has made further comments that appears to open up the debate on amalgamation of councils. An extract of the ALGA Newsletter is provided below:

"The president of the Local Government and Shires Association says the time has come to have a sensible debate about reducing the number of local councils in New South Wales.

Bruce Miller, who is from Cowra, says rising cost structures and falling incomes are making it impossible for some of the state's 152 councils to remain viable over the long-term.

He says a perfect storm of difficult circumstances and State Government-imposed new laws means the provision of essential local services is getting tougher.

Councillor Miller says he wants a sensible discussion without emotion that plots a realistic way forward, and if that involves council mergers - so be it."

The majority of motions were passed without amendment. As soon as the minutes of the Conference are available they will be circulated to councillors.

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

**CARRIED**

**9. NOTICES OF MOTION**

Nil

**10. DELEGATES REPORTS****10.1 REPORT ON SHIRES ASSOCIATION NEW SOUTH WALES CONFERENCE, SYDNEY – 1-3 JUNE 2009**

Author: Councillor Susan Nichols  
Implications: Nil  
File Reference: C9/5-4  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council receives and notes the report from Councillor Susan Nichols on her attendance at the Shires Association of New South Wales Conference in Sydney on 1-3 June 2009.

**Purpose**

To advise Council of details discussed at the annual conference of the Shires Association of New South Wales.

**Report**

The theme of the Conference was “Challenges | Bring Them On”.

I would like to thank Council for the opportunity to attend the conference along with Mayor Thomson, Councillors Wheeldon and Wakefield and also the General Manager.

This short report will only highlight some of the experiences associated with the Conference.

The Western Division Group Mini Conference was uneventful and only took a short time. However, I did learn there are 29 Aboriginal Tribes across Australia.

The main conference passed almost all the motions presented. To say I was alarmed by the financial statement presented by the Treasurer would be an understatement! A loss of the significance reported must be arrested and reversed. If not for significant reserves the Association would be in dire straits.

The Premier and various Ministers attended along with the Leader of the Opposition who to my ear is already on the campaign trail for the next State elections.

Points raised by speakers are:-

- Professor Cripps – be informed – understand Legislation. Deal with probabilities rather than possibilities. Legislation does not properly describe significant and non-significant

- Commissioner of ICAC – must balance private interest/public interest. Pre-judgement is extremely difficult to prove. Councillors must have open unbiased minds making decisions. Third of complaints are against Local Government. ICAC was formed in the 1980's. Do not pursue a complaint unless in the eye of a normal reasonable person the matter would be considered corrupt. Any information (civic, criminal, discipline) cannot be used in these types of proceedings.
- New Code of Conduct – It would be impossible to construct a more onerous code.
- Minister Phillip Costa, Regional Development, Water & Utilities – Environmental Water Buy Back – there is a huge imbalance between the States with 0% of environmental water being from New South Wales. For every 32 litres all but one comes from New South Wales. No more selling of NSW water until other States particularly Victoria fall into line. Doubling penalties for Minor bushfire offences.
- Minister Barbara Perry, Local Government – 83% of Councillors attended compulsory training sessions after the last elections. No real answer given when asked if 17% in New South Wales, more than 50% of the population are women, 22% are Councillors, 17% Mayors.
- Infrastructure need of the community said to balance want-need-affordability.
- Other points noted from abovementioned and other speakers included:-
  - Regional Strategies
  - Draft Murray Region out soon and will encompass cross border New South Wales and Victoria working together
  - Roads budget \$4.4million mainly regional and rural with no cuts from the maintenance budget.
- Minister for Planning – NSW housing code accreditation of Council Planners 1 July 2009 – who of our Planners are accredited?
- JRPP Western Division will have a Joint Regional Planning Panel – Department of Planning NSW will cover all costs. Two members to be chosen from nominations. Expressions of interest are being called for from Councils. Training provided. Meetings open to the public. Ten meetings to be held in 8 regional areas.
- LEP's – All councils to be completed by 2011.
- Planning Reform Fund to help simplify new LEP's – 72% to Regional Councils.

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

**CARRIED**

## **11. COMMITTEE MEETING REPORTS**

Nil

## **12. OFFICERS' REPORTS**

### **12.1 PRINCIPAL ACTIVITY: LEADERSHIP, GOVERNANCE & STRATEGIC PLANNING**

#### **12.1.1 Policies Recommended for Rescission**

Responsible Officer: General Manager  
Author: Director Development and Environment and Manager  
Governance and Corporate Development  
Implications: Governance and Policy  
File Reference: C9/7

Attachments: Various  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That Council rescinds the following policies for the reasons contained in this report:

- CP1 – Aboriginals
- CP16 – Councillors Legal Expenses
- CP29 – FOI Act
- CP50 – Public Recreation Contributions
- CP74 – Travel for Interstate and Overseas

### **Purpose**

The purpose of this report is:

- To inform council of the reasons for recommending the rescission of the abovementioned policies
- To seek council's adoption of the abovementioned recommendation.

### **Summary**

Council is committed to continuous improvement and best value in everything we do. As part of this commitment, Council has an ongoing annual program of Code, Policy and Procedure review. The policies discussed in this report have been identified as no longer required and are therefore recommended for rescission for the reasons outlined below.

### **Report**

#### **CP1 – Aboriginals**

This policy was the topic of discussion previously by councillors in April. The following was noted at that time: *Councillor Wheeldon expressed the view that the last paragraph in CP1 (That before any future housing developments take place on existing or future settlements, a guaranteed source of funds is to be available for the provision of services and rates) should remain as is or be included in any new policies.*

Having considered this request it is suggested that this policy be rescinded based on the fact that the requirement for servicing of a subdivision is adequately addressed and regulated by the provisions of the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

#### **CP16 – Councillors Legal Expenses**

This policy addresses a topic which is duplicated in the recently adopted Payment of Expenses and Provision of Facilities Policy – CP87. It is therefore considered appropriate that CP16 be rescinded.

#### **CP29 – Freedom Of Information Act**

This policy appoints the Manager Corporate Services as the Freedom Of Information officer. The adoption of the new policy – Access to Information Held by Council – By Public will mean that CP29 is duplicated and therefore it is appropriate to rescind it.

CP50 – Public Recreation Contributions

This policy aims to identify the land for which contributions can be charged from a developer in the subdivision of land. This is seen as a duplication of the existing Section 94 Plan – Open space / Recreation Contribution Plan April 1998. That plan provides for Council to require as a condition of development consent the dedication of land, or a monetary contribution, or both under Section 94 of the Environmental Planning and Assessment Act, 1979.

Having reviewed the content it is suggested that this policy be rescinded based on the fact that the aim of this policy is addressed in the existing Section 94 Plan – Open space / Recreation Contribution Plan April 1998.

CP74 – Travel for Interstate and Overseas

This policy provides guidelines on travel by councillors. The adoption of revised policy CP87 – Payment of Expenses and Provision of Facilities will mean the CP74 is duplicated and therefore it is appropriate to rescind it.

**Policy and Management Plan Implications**

The adoption of the abovementioned recommendation will assist council to meet its Management Plan 2008-2012 objective to provide leadership and maintain strong levels of statutory compliance.

**Conclusion**

The policies identified in this report are recommended for rescission.

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

**CARRIED**

**12.1.2 Revised Policies Recommended for Adoption**

Responsible Officer: General Manager  
Author: Manager Governance and Corporate Development  
Director Corporate Services  
Risk Management Officer  
Director Development and Environment  
Manager Human Resources  
Implications: Governance and Policy  
File Reference: C9/7  
Attachments: Various policies  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council adopts the following revised policies for the reasons contained in this report:

- CP2 – Development Applications – Advertising
- CP20 – Delegations
- CP21 – Development Guidelines - Buffers
- CP38 – Development Guidelines - Mooring Sites
- CP46 – Plant and Equipment

- CP87 – Payment of Expenses and Provision of Facilities
- CP97 – Sick Leave
- CP99 – Councillor Induction Training
- CP100 – Quality Customer Service
- CP103 – Procurement
- CP105 – Gifts and Benefits
- CP107 – Council Meetings – Members of the Public Right to Address
- CP109 – Communications
- CP115 – Noise Control
- CP117 – Plant Safety
- CP120 – Working at Heights

### **Purpose**

The purpose of this report is:-

- To inform council of the rationale for the revision of the abovementioned policies;
- To seek council's adoption of the abovementioned recommendations.

### **Summary**

Council is committed to continuous improvement and best value in everything we do. As part of this commitment, Council has an ongoing annual program of Code, Policy and Procedure development and review. The policies discussed in this report have been reviewed and are therefore recommended for adoption for the reasons outlined below.

### **Report**

#### **CP2 – Development Applications – Advertising**

This policy aims to complement the requirements of the Environment Planning and Assessment Act 1979.

This policy replaces the previous version and includes amendments to present the policy in the approved policy format.

#### **CP20 – Delegations**

The purpose of this report is to inform council of the reason for revising CP20 – Delegated Authority Policy.

Pursuant to section 377 of the Local Government Act, Council is responsible for delegating the exercise of its delegable powers, duties and authorities to the General Manager or other persons or bodies (not including another employee of council).

In line with the revised Management Plan 2009-2013, council is currently revising all staff delegations. This has required a review of the Delegated Authority Policy.

The revised policy simplifies the delegation of authority and provides for the establishment of a delegations register. The delegations register is an operational document which will be authorised by the General Manager.

The revised policy introduces Schedule A (CP20a) which lists the scope of the General Manager's authority, and Schedule B (CP20b) which lists the limitations of the General Manager's authority.

The revised document will assist Council to expediently exercise and perform its powers and duties and efficiently manage its business and responsibilities.

#### CP21 – Development Guidelines – Buffers

This policy replaces the previous version and includes amendments to present the policy in the approved policy format.

It is anticipated that this policy will be rescinded when the Development Control Plan is adopted in conjunction with the final stages of the Local Environmental Plan review.

#### CP38 – Development Guidelines - Mooring Sites

This policy replaces the previous version and includes amendments to present the policy in the approved policy format.

It is anticipated that this policy will be rescinded when the Mooring Management Plan is adopted.

#### CP42 – OH&S

CP42 will remain in place and to the extent of any inconsistencies the new OH&S policy will prevail.

#### CP46 – Plant and Equipment

To consider the 'Plant Schedule Replacement Policy'

CP46 has been reviewed and amended. As per Department of Local Government requirements, plant replacement cycles have been set according to their usage and duration.

Hire Rates will be incorporated as part of the Management Plan.

The Plant Schedule Replacement Policy provides a clear set of criteria for plant replacement.

#### CP87 – Payment of Expenses and Provision of Facilities

The purpose of this report is to inform council of the reason for the review of CP87 – Payment of Expenses and Provision of Facilities policy and the rescission of CP74 – Travel for Interstate and Overseas.

The Payment of Expenses and Provision of Facilities Policy has recently been revised to ensure that it meets the requirements of the Department of Local Government Promoting Better Practice Program and recommendations of the Independent Commission Against Corruption.

Council's policy on the Payment of Expenses and Provision of Facilities was last reviewed 19 November 2008. The policy has been updated to incorporate best

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practice recommendations of the Department of Local Government and the Independent Commission Against Corruption.

A new attachment has been developed to provide easy reference to scope of expenses and facilities provided to Councillors, and to meet best practice recommendations of setting limits to various categories of expenditure and types of facilities.

The revised document will assist Council to meet the requirements of section 252 of the Local Government Act which requires Council to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

#### CP97 – Sick Leave

This policy has had minor modifications to the provisions for monitoring and reporting on sick leave.

#### CP99 – Councillor Induction Training

The intent of this policy is give an overview of the information and training that Wentworth Shire Council will provide to its Councillors as part of an induction program.

This policy replaces the previous version adopted on 19 December 2007 and includes minor grammatical changes and inclusion of additional topic areas including Risk Management, Change Management, Orientation to Council Facilities and Local Government Area and Support to Assist Councillors in the role.

#### CP100 – Quality Customer Service

The purpose of this report is to develop an organizational culture focused on meeting the needs and expectations of the customer and continuously improve services for the customer.

The “Quality Customer Service policy” will provide staff with principles and guidelines to demonstrate value for money for our range of customers by providing the services our customers want in the way our customers want both internally and externally.

The adoption of the “Quality Customer Service policy” will be communicated to all employees whereby all staff will be responsible for the success of this policy.

#### CP103 – Procurement – TAKE OUT FOR CONSIDERATION

The purpose of this report is to inform council of the revisions made to CP103 - Procurement and Tendering Policy (“the Policy”) and the revisions made to the Statement of Business Ethics (“the Statement”), and to seek council’s adoption of these two revised documents.

The Policy has been reviewed pursuant to the review clause within the policy and for the purpose of incorporating various requirements of the DLG Promoting Better Practice Program checklist. The Statement has been reviewed to more accurately reflect the requirements Council has of its staff and external parties.

The Policy and Statement have been revised to identify the principles underpinning council's procurement process. Council is required to purchase goods in accordance with legislation. In developing the revised Policy regard has been had to legal requirements; the recommendations of the NSW Department of Local Government; and the procurement framework of the NSW and Commonwealth Government. The principles relating to procurement include:

- Value for Money
- Probity
- Accountability and Transparency
- Consistency
- No Conflicts of Interest
- No Improper Advantage
- Risk Management
- Openness
- Better Practice

The Policy and Statement will assist better practice in the expenditure of public funds for public purposes and provide the General Manager with guidance in the development of appropriate processes to implement the policy.

#### CP105 – Gifts and Benefits

The purpose of this report is to inform council of the revisions made to CP105 – Gifts and Benefits Policy and to seek their adoption of the revised policy.

The Gifts and Benefits Policy has recently been revised to ensure that it reflects the content of the Code of Conduct and meets the requirements of the Department of Local Government Promoting Better Practice Program.

Council's policy on Gifts and Benefits was last reviewed in December 2007. Since that time a number of recommendations have been issued regarding Council's Gifts and Benefits Policy. These recommendations have been incorporated into the revised policy where appropriate.

The policy states that Council officials, which include Councillors, officers and delegates, never:

- solicit a gift or benefit under any circumstances;
- accept a gift or benefit except:
  - where refusal would cause offence or embarrassment;
  - where the gift or benefit is received in the course of the official's duty AND it relates to the work of Wentworth Shire Council;
  - where the gift or benefit is a token gift or benefit.

All gifts and benefits, refused or accepted, must be registered in Council's Gifts and Benefits Register.

All gifts and benefits, except token gifts and benefits, become the property of council.

Officials are required, as soon as practicable after being offered and/or accepting a gift or benefit, to complete a Gifts and Benefits Register Declaration Form (CP105a) and lodge the Form with Executive Assistant to the General Manager.

The revised document will provide guidelines to ensure that Council officials are not compromised in the performance of their duties through innocently or in good faith accepting gifts or benefits which may result in a feeling of obligation or could be construed as an attempt to influence.

CP107 – Council Meetings – Members of the Public Right to Address

The intent of this policy is to provide members of the public with information about their right to address council meetings. This policy does not displace or override the statutory requirements relating to submissions on development applications and attention is drawn to the conditions outlined below.

This policy replaces the previous version adopted on 20 February 2008 and includes amendments to introduce the Registration Form and to increase the consistency of terminology.

CP109 – Communications

The intent of this policy is to provide a framework for communication between council and its stakeholders.

This policy replaces the previous policy adopted on 20 February 2008 and includes amendments to respond to the requirements of the DLG Better Practice Program.

CP115 – Noise Control

This policy details action required to prevent or minimise the occurrence of noise related injuries at Council work sites.

This policy replaces the previous version adopted on 16 April 2008 and includes changes in format and updated information to associated government policy provisions.

CP117 – Plant Safety

This policy sets out the guidelines for the purchase, installation / commissioning, safe use and maintenance of plant and equipment.

This policy replaces the previous version adopted on 16 April 2008 and includes changes in format and updated information to associated government policy provisions.

CP120 – Working at Heights

This policy sets out what Council will do to protect staff and contractors from the hazards of working at heights at or above 2 metres and to protect non-employees from work activities at or above 2 metres.

This policy replaces the previous version adopted on 16 April 2008 and includes changes in format and updated information to associated government policy provisions.

**Policy and Management Plan Implications**

The adoption of the abovementioned recommendation will assist council to meet its Management Plan 2008-2012 objective to provide leadership and maintain strong levels of statutory compliance.

**Conclusion**

The new policies identified in this report are recommended for adoption.

***Moved Crs. Wakefield and Hederics that the recommendation be adopted with policy CP103 to be brought back to Council for consideration.***

**CARRIED**

**12.1.3 New Policies Recommended for Adoption**

Responsible Officer:	General Manager
Author:	Manager Governance and Corporate Development; Community and Economic Development Officer; Director Corporate Services; Risk Management Officer; Director Development and Environment; Manager Human Resources; Executive Assistant to General Manager
Implications:	Governance and Policy
File Reference:	C9/7
Attachments:	Various
Separately Circ.:	Nil
Tabled:	Nil

**Recommendation**

That Council adopts the following new policies for the reasons contained in this report:

- Legislative Compliance
- Diverse Community
- Borrowing and Overdraft
- Risk Assessment and Control
- Access to Information Held by Council – By Public
- Awards
- Graffiti Management
- Salary and Performance Appraisal System
- Agency Staff - Recruitment
- Interview and Relocation Expenses
- Contractor OHS Management
- OHS General

**Purpose**

The purpose of this report is:

- To inform council of the rationale for the development of the abovementioned policies;
- To seek council's adoption of the abovementioned recommendation.

**Summary**

Council is committed to continuous improvement and best value in everything we do. As part of this commitment, Council has an ongoing annual program of Code, Policy and Procedure development and review. The policies discussed in this report have

been identified for development and are therefore recommended for adoption for the reasons outlined below.

## **Report**

### **Legislative Compliance**

As part of Council's commitment to responding to the requirements of the Department of Local Government's Promoting Better Practice Program, the need for a Legislative Compliance policy was identified.

This policy has been developed to ensure the establishment of systems which:

- Promote a culture of compliance within the organisation;
- Prevent, and where necessary, identify and respond to, breaches of laws, regulations, codes or organisational standards applicable to Council;
- Meet expectations, of the community and those working at Council, that Council shall take all appropriate measures to ensure that Council will comply with applicable legislation
- Assist Council in achieving the highest standards of governance; and
- Provide sufficient resources to ensure that Council's compliance program can be implemented, maintained and improved.

The policy aims to implement the principles set out in the Australian Standard 3806-2006 – Compliance Programs

### **Diverse Community**

In adopting this policy, Council is demonstrating a commitment to integrating the concepts, goals, objectives and strategies of diversity into its core business, with the vision of this policy being to create an approachable, inclusive and welcoming environment in the community for culturally and linguistically diverse communities and to improve access and equity through flexible, integrated and collaborative strategies.

The Promoting Better Practice Program (DLG PBPP) highlighted the need for Council to develop a policy to deal with the issue of a culturally and linguistically diverse community.

Historically, the demographics of the Wentworth Shire Council have not varied greatly. The most recent census (2006) indicates that the majority of the population within the Wentworth Local Government Area (87%) are Australian born (ABS, 2006).

Of the total number of persons within the municipality, 611 (9%) are Indigenous Persons. Of the 367 persons born overseas, 27 persons or 7.3% indicated that they speak another language and speak English not well or not at all (table B11). Of the foreign born residents, the most predominate non-English speaking countries of birth are Turkey (1.6%) and Italy (1.0%), but also small numbers from India (17 residents) and the Netherlands (14 residents).

Another important aspect of this policy is to acknowledge the significance of our indigenous population. This policy supports the principle of self-determination in

setting cultural priorities and affirms the responsibilities of Council in supporting, maintaining and nurturing Indigenous cultural heritage and expression.

In adopting this policy, Council is demonstrating a commitment to integrating the concepts, goals, objectives and strategies of diversity into its core business, with the vision of this policy being to create an approachable, inclusive and welcoming environment in the community for culturally and linguistically diverse communities and to improve access and equity through flexible, integrated and collaborative strategies.

There are no financial implications that arise from this policy.

The core standards that will be implemented as a result of this policy are:

- Culturally Competent service delivery
- Language access services
- Organisation supports for cultural competence

It is important that the Wentworth Shire Council recognises and values the diversity of cultures, languages and religious affiliations of its residents. Whilst Wentworth Shire Council has only a small percentage of residents who were born outside Australia, it is necessary to have a policy in place to deal with cultural diversity.

#### *Borrowing and Overdraft*

The “Borrowings and Overdraft policy” will provide staff with guidelines and circumstances where borrowings or an overdraft facility are deemed appropriate.

This policy satisfies the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The adoption of the “Borrowing and Overdraft policy” will provide guidance in the event of future borrowings deemed necessary to fund capital works identified in Council’s Long Term Financial Plan. Council currently has an overdraft facility with the Bendigo Bank for a token amount of \$10,000 but has never had the need to use this facility

#### *OHS Risk Assessment and Control*

This policy provides details of the process to protect the health, safety and welfare of all persons at council worksites.

The process includes the identification, assessment and control of workplace hazards.

The content of this policy is derived from CP42 and, in the interim, provisions of the new policy will prevail.

#### *Access to Information Held by Council – By Public*

Council is required to provide information to the public in accordance with a number of legislative provisions. The purpose of this policy is to describe Council’s principles regarding public access to information and to facilitate the processing of requests for such access. Access to information by Councillors is regulated by CP106 – Councillor Access to Information and Interaction Between Councillors and Staff.

This new policy has been developed to respond to:

- the principles of open and transparent government, consideration of the public interest in relation to access requests and respect for the privacy of individuals;
- to inform the community of their rights in relation to accessing information held by council; and
- to assist staff in meeting the requirements of:
  - Section 12 of the Local Government Act 1993
  - Privacy and Personal Information Protection Act 1998
  - Freedom of Information Act 1989
  - Environmental Protection and Assessment Act 1979; and
  - Health Records and Information Privacy Act 2002.

### Awards

Council is committed to effectively and efficiently managing the Shire and providing leadership according to community needs within the resources available. The adoption of this policy will provide council staff with guidance in the pursuit of Awards offered by external organisations which aim to promote the reputation of Councils, and showcase and reward the achievements of organisations.

The Department of Local Government has developed a local government reform program – Promoting Better Practice – which aims to improve the viability and sustainability of councils. One of the strategies suggested by the Department of Local Government for achieving better practice is for councils to apply for awards.

Awards provide council with the opportunity to identify the achievement of its goals and strive for better practice in the delivery of actions set in council's annual Management Plan.

The Awards Policy makes it clear that the priority for the allocation of Council's resources is for the delivery of objectives set out in the annual Management Plan, whilst the allocation of resources for the purpose of applying for awards is secondary to achieving Management Plan objectives.

The adoption of the Policy will assist council to meet the Department of Local Government's suggested strategies for better practice in local government.

### Graffiti Management

The intent of this policy is to:

- provide a framework for responding to the ongoing prevalence of graffiti in the Wentworth Shire Council Local Government Area, whilst ensuring adequate opportunity for the display of community information;
- reduce graffiti occurrences through the use of rapid removal and other initiatives.

This policy has been developed in response to the proliferation of graffiti within the Shire of Wentworth. Illegal graffiti is of ongoing concern to the general community and to the Shire. Graffiti incurs substantial social and economic costs to the community.

The local community also needs legitimate means to communicate and display notices/posters of community interest. In response to this need, the Shire provides opportunities for the display of community notices.

Overall, the aim of this policy is to create and maintain better neighborhoods for residents, businesses and visitors by effectively preventing and managing graffiti.

#### Salary System Performance Appraisal

The intent of this policy is to set out the salary and performance appraisal system for Wentworth Shire Council. The salary and performance appraisal system provides employees with appropriate reward for their skills and performance.

#### Agency Staff

From time to time Council requires the support of agency staff to fill temporary vacancies, assist with peak workload periods or to cover extended leave commitments. This policy sets the guidelines for engaging temporary agency staff.

#### Interview and Relocation Expenses

The purpose of this policy is to outline the maximum claimable amounts Council will reimburse candidates being interviewed for and appointed to positions within the organisation in relation to interview and relocation related expenses.

#### Contractor Management

This policy sets out the occupational health and safety requirements for the selection, engagement and control of contractors and service providers.

Assigning by contract does not remove the individual statutory responsibilities under OHS legislation, i.e. OHS responsibility cannot be outsourced.

The content of this policy is derived from CP42 and in the interim, provisions of the new policy will prevail.

#### OHS General

The intent of this policy is to ensure that during the delivery of services and facilities to the Wentworth Shire Community, and the public in general, there are no jobs or tasks that are so important to warrant the performance of an unsafe act.

This policy supersedes part of the content in CP42 and to the extent of any inconsistencies the provisions of this policy will apply.

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

The adoption of the abovementioned recommendation will assist council to meet its Management Plan 2008-2012 objective to provide leadership and maintain strong levels of statutory compliance.

#### **Conclusion**

The new policies identified in this report are recommended for adoption.

***Moved Crs. Whitfield and Thompson that the recommendation be adopted.***

**CARRIED**

### **12.1.5 Code of Conduct (revised) and Conduct Review Committee**

Responsible Officer: General Manager  
Author: Manager Governance and Corporate Development  
Implications: Governance and Policy  
File Reference: C9/7  
Attachments: Revised Code of Conduct  
Separately Circ.: EOIs Regional Panel of Conduct Reviewers, Examples of Code of Conduct  
Tabled: Nil

### **Recommendation**

That Council:

- adopts the revised Code of Conduct – C2; and
- for the purposes of clause 12.12 of the Code of Conduct, Council determines the appointees to its conduct review committee.

### **Purpose**

The purpose of this report is to:

- inform council of amendments made to the Code of Conduct and to seek council's adoption of the revised Code
- inform council of the process for establishing a conduct review panel and to seek approval of the membership of the conduct review committee.

### **Summary**

The Code of Conduct has recently been reviewed to incorporate Council's values into the principles which underpin the Code and to simplify the content of the Code.

In addition, a process for establishing a conduct review committee has been developed.

### **Report**

#### **The Code**

The Code of Conduct has been revised to incorporate Council's values into the principles to be considered in applying the Code. This is an action recommended in the Department of Local Government Promoting Better Practice Program. The examples contained in the previous version of the Code have been published in a separate document C2a – Code of Conduct Explained in Examples. Future reviews of the Code will involve a comprehensive review taking into consideration the recommendations of ICAC's "Codes of Conduct – the next stage" publication.

Under the Code, at clause 12.12, council must resolve to appoint persons independent of Council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers. Pursuant to clause 12.16, where a matter is to be considered by the conduct review committee/reviewer, then in each case, the General Manager, acting in their capacity as advisor, will either convene a conduct

review committee and select its members from those appointed by Council or alternatively select a sole conduct reviewer from those appointed by Council.

#### The Conduct Review Committee

To facilitate the selection of members of the conduct review committee, the Riverina and Murray Regional Organisation of Councils (RAMROC) had called for expressions of interest and subsequently accepted for appointment a number of individuals and organisations as members of the Regional Panel of Conduct Reviewers.

It is proposed that Council accept these members as members of its own Conduct Review Committee. If the need arises for the General Manager to convene a Conduct Review Committee or select a sole conduct reviewer then the full list of members can be utilised in order to establish a panel or reviewer available at an affordable cost at the time of the review.

If it is found that the list of reviewers is lacking in any way then this Council is in a position to add to the list through the appropriate processes.

The RAMROC list also includes two expressions of interest from residents in the Wentworth Shire. Council may wish to consider two options:

#### Option one

That Council:

- adopts the revised Code of Conduct – C2; and
- for the purposes of clause 12.12 of the Code of Conduct, Council appoints to its conduct review committee those persons who are accepted as members of the Riverina and Murray Regional Organisation of Councils (RAMROC).

Alternatively,

#### Option two

That Council:

- adopts the revised Code of Conduct – C2; and
- for the purposes of clause 12.12 of the Code of Conduct, Council appoints to its conduct review committee those persons who are accepted as members of the Riverina and Murray Regional Organisation of Councils (RAMROC), excluding any person who is a resident of the Wentworth Shire Council local government area.

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

The adoption of this document will assist council to meet its Management Plan 2008-2012 objective to maintain strong levels of statutory compliance

#### **Conclusion**

The revised document will assist with setting the minimum requirements of conduct for Council officials.

***Moved Crs. McKinnon and Wheeldon that Council adopts the revised Code of Conduct – C2; and for the purposes of clause 12.12 of the Code of Conduct, Council appoints to its conduct review committee those persons who are accepted as members of the Riverina and Murray Regional Organisation of Councils (RAMROC), excluding any person who is a resident of the Wentworth Shire Council local government area.***

**CARRIED**

### **12.1.6 Risk Management Strategic Plan**

Responsible Officer: General Manager  
Author: Manager Human Resources  
Implications: Management Plan, Staff  
File Reference: R1/2  
Attachments: Risk Management Strategic Plan  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That Council adopts the Risk Management Strategic Plan.

### **Purpose**

The purpose of this report is to present to Council the Risk Management Strategic Plan for adoption.

### **Summary**

The Risk Management Strategic Plan will set the direction of risk activities for the next four years. The plan will be reviewed and reported on annually.

### **Report**

The Risk Management Strategic Plan sets out the key risk activities to be undertaken over the next four years. The activities listed within the plan derive from the Department of Local Government Checklist, StateCover and Statewide Audit results, organisational risks and requirements.

The Plan, although set for four years will be reviewed and presented to Council annually as part of the Management Plan process to ensure that the key activities are still in line with Councils overall objectives and direction.

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

This plan will impact on budgets for the next four years and will be reported on annually as part of the Management Plan and Annual Report process.

### **Conclusion**

This plan will set the strategic direction for risk management activities.

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

**CARRIED**

**12.1.7 Organisational Leadership Strategic Plan**

Responsible Officer: General Manager  
Author: Manager Human Resources  
Implications: Management Plan, Staff  
File Reference: C9/15-2  
Attachments: Organisational Leadership Strategic Plan  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council adopts the Organisational Leadership Strategic Plan.

**Purpose**

The purpose of this report is to present to Council the Organisational Leadership Strategic Plan for adoption.

**Summary**

The Organisational Leadership Strategic Plan will set a direction for the next four years. The plan will be reviewed and reported on annually.

**Report**

Council is committed to ensuring that it invests appropriate time and resources into retaining and attracting quality staff. This plan aims to build the capacity of its current workforce and look at ways to make Wentworth Shire Council an employer of choice. The activities listed within the plan derive from the Department of Local Government Checklist, Staff Satisfaction Survey and organisational requirements.

The plan, although set for four years will be reviewed and presented to Council annually as part of the Management Plan process to ensure that the key activities are still in line with Council's overall objectives and direction.

**Policy and Management Plan Implications**

This Plan will impact on budgets for the next four years and will be reported on annually as part of the Management Plan and Annual Report process.

**Conclusion**

This plan will set the strategic direction for organisational leadership activities.

***Moved Crs. Thompson and Whitfield that the recommendation be adopted.***

**CARRIED**

**12.1.8 Social Plan 2009-2014**

Responsible Officer: Director Corporate Services  
Author: Community and Economic Development Officer  
Implications: Social Planning  
File Reference: C7/7-2

Attachments: Nil  
Separately Circ.: Nil  
Tabled: Draft Social Plan

### **Recommendation**

That Council adopts the Social Plan 2009-2014.

### **Purpose**

To formally adopt the Social Plan.

### **Summary**

The purpose of this report is to formally adopt the Social Plan, which has been prepared by an external consultant to comply with our requirements under the Local Government (General) Regulation 1999.

### **Report**

At the May meeting of Council, Council resolved to adopt the Draft Social Plan and put it on public display for a period of 28 days. The submission period closes on June 22<sup>nd</sup>. At the time of writing this report no submissions had been received.

On the basis of no submissions received, Council should adopt the document in its current form (tabled). Should any submissions be received prior to the Council meeting, they will be tabled for consideration at that time.

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

The Social Plan includes a number of recommendations to Council to respond to the issues of concern. Council can determine whether it responds to these recommendations in isolation or integrates the recommendations into other planning documents, as has already been the case with the Management Plan, the Youth Strategy and the Economic and Tourism Development Strategy. This document is cross referenced to the Management Plan.

### **Conclusion**

The development of the Social Plan and the recommendations are an important way of ensuring that Council stays focussed on addressing the needs and aspirations of the community.

***Moved Crs. Wakefield and Hederics that the recommendation be adopted, subject to minor alterations.***

**CARRIED**

### **12.1.9 Integrated Planning and Reporting Framework**

Responsible Officer: General Manager  
Author: General Manager  
Implications: Governance  
File Reference: C9/4  
Attachments: Planning and Reporting Guidelines for LG in NSW

Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That Council notes the report and makes a submission if deemed necessary by the General Manager.

### **Purpose**

To advise of recently released legislation and guidelines.

### **Summary**

The Integrated Planning and Reporting Framework requirements have been a long time coming and, whilst the legislation is likely to be onerous for small councils, it is argued that this Council is well placed in terms of moving over to the new model.

### **Report**

As part of the NSW Government's commitment to a sustainable local government system, and after extensive consultation with a variety of stakeholders, the Government has released the Exposure Draft Local Government Amendment (Planning and Reporting) Bill 2009 and the Exposure Draft Local Government (General) Amendment (Planning and Reporting) Regulation 2009 for public exhibition.

The specific aims of the Integrated Planning and Reporting Framework are to:

- improve integration of various statutory planning and reporting processes undertaken by councils as required by the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*
- strengthen councils' strategic focus
- streamline reporting processes
- ensure that the *Local Government Act 1993* and the Department's guidelines support a strategic and integrated approach to planning and reporting by local councils.

In addition to draft legislation, other documents that are available for comment are draft Planning and Reporting Guidelines for local government in NSW and a draft Planning and Reporting Manual for local government in NSW. A frequently asked questions fact sheet and the Circular to Councils are also available for information.

Consultation documents available on the Department's website are:

- Draft Local Government Amendment (Planning and Reporting) Bill 2009 - proposes amendments to the *Local Government Act 1993* in relation to strategic planning and reporting by councils. The proposed amendments include provisions for preparation of the Community Strategic Plan, Delivery Program, Operational Plan and Annual Report.
- Draft Local Government (General) Amendment (Planning and Reporting) Regulation 2009 - the proposed amendments to the Regulation support the proposed amendments to the *Local Government Act 1993*.
- Draft Planning and Reporting Guidelines for local government in NSW - sets out the proposed mandatory requirements from the Act and Regulation and includes additional requirements that councils must comply with.

- Draft Planning and Reporting Manual for local government in NSW – sets out the rationale and intent of the legislation and guidelines. It also provides advice to assist councils implement the new planning and reporting framework.

This Council has been moving to this type of framework over the last 18 months and from a cursory look at the legislation and guidelines much of the intent is similar to that previously reported to Council.

These reforms replace the former Management Plan and Social Plan with an integrated framework. It also includes a new requirement to prepare a long-term Community Strategic Plan (10 year period) and Resourcing Strategy. A four year delivery plan is introduced and each year an operational plan is required similar to the current annual budget. The essential elements of the new framework are outlined in these Guidelines. Guidance to assist councils to implement the new framework is explained in the supporting Planning and Reporting Manual.

Submissions can be made by 3 July 2009. The General Manager is currently working his way through the documentation (comprising 152 pages) and, if deemed appropriate, a submission will be made.

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

This will be assessed in conjunction with the review of the guidelines.

#### **Conclusion**

The integrated planning model will provide a good base for Council's strategic planning for the future.

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

**CARRIED**

***Councillor Wheeldon declared a conflict of interest in item 12.1.10 and vacated the Council Chambers at 9.47am.***

#### **12.1.10 Extraordinary Meeting for Planning Matters**

Responsible Officer:	General Manager
Author:	GM and Director Development & Environment
Implications:	Management Plan & Budget
File Reference:	L1/42-3
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

#### **Recommendation**

That Council holds an Extraordinary meeting to be held on Wednesday 1 July 2009, commencing at 9am, for the purpose of addressing planning issues as identified in the report.

#### **Purpose**

To advise of the need for an Extraordinary meeting to address planning issues.

### Summary

Council's Planning department has several applications for rural dwellings on Grand Junction Station which need to be reported to Council. The applications cannot be handled under delegated authority due to the complex nature of the applications. The applicant seeks to construct rural dwellings on the subject land.

### Report

#### Rural Dwellings Under Clause 16(3)

Council currently has 15 applications for rural dwellings to be sited on Grand Junction Station. The applicant seeks to have these applications dealt with under clause 16(3) of Wentworth LEP 1993. Given this is a complex issue, the best course of action is for these applications to be brought before Council for consideration at the earlier opportunity.

#### Acquisition of Land for Recreational Purposes Buronga/Gol Gol Structure Plan

This matter relates to the acquisition of land for recreational purposes in Dawn Avenue in Gol Gol. This matter needs to be resolved at a Council level due to the legislative requirements of the Just Terms compensation Act.

### Policy and Management Plan Implications

In relation to the acquisition of land for recreational purposes, there is a need to consider compensation which will impact on the Management Plan and budget. It is envisaged that any compensation payable under this acquisition process would be taken from the Section 94 Contribution Reserves.

### Conclusion

Given the urgency of the items listed above, the necessity for an Extraordinary Meeting to be held Wednesday 1 July is warranted.

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

**CARRIED**

***Councillor Wheeldon returned to the Chambers at 9.53am***

## **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 May 2009 were \$647,524.75. After allowing for pensioner subsidies, the total Rates and Charges collected are now 78.06% of the levies. A summary of the Rates and Charges situation as at 31 May 2009 is as follows:-

<b><u>Levies</u></b>		
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	687,847.31	
+ Supplementary Rates & Charges	25,188.54	
+ Additional Charges	56,035.80	
- Credit Adjustments	27,391.11	
- Farmland 20% capped	1,078.82	
- Abandonments	1,019.31	739,582.71
		<u>7,677,764.86</u>
<b><u>Deductions</u></b>		
- Payments	647,524.75	
- Less Refunds of Payments	-4,721.63	5,834,714.62
- Pensioner Subsidy:-		
Government Subsidy		
Council Subsidy		159,099.32
<b>Total Rates/Water Charges Outstand</b>		<b>\$1,683,950.62</b>

**Note:** For comparison purposes 78.88% of the levy had been collected at the end of May 2008.

**Reconciliation And Balance Of Funds Held As At 31 May 2009**

The reconciliation has been carried out between the Cash Book of each fund and the Bank Pass Sheet as at 31 May 2009 and the investments have been made in accordance with the Act, the regulations and Council's investment policies.

**Combined Bank Acc.**

<b><u>Cash Balance as at 1 May 2009</u></b>	\$781,072.18 Dr
<b><u>Add:</u></b> Receipts for Period Ending 31 May 2009 Rates, Debtors, Miscellaneous	<u>4,722,880.26</u>
<b><u>Less:</u></b> Payments for Period Ending 31 May 2009 Cash Book entries for this Month	<u>3,149,400.51</u>
<b><u>Cash Balance As At 31 May 2009</u></b>	<b>\$2,354,551.93 Dr.</b>

## Investments

Bank	TD/C.Bill		
LGFS	FI 31 days @ 3.35% due 31/5/09	928,114.51	
Police & Nurses Credit Society	TD 63 days @ 4.15% due 13/7/09	1,000,000.00	
Savings & Loans Credit Union	TD 90 days @ 4.0% due 14/7/09	1,000,000.00	
Bank of Queensland	TD 91 days @ 4.25% due 9/6/09	1,000,000.00	
Heritage Building Society	TD 91 days @ 4.13% due 10/8/09	1,000,000.00	
Macquarie Bank Ltd	TD 90 days @ 4.4% due 3/6/09	4,000,000.00	
ANZ Banking	TD 91 days @ 4.05% due 15/6/09	1,000,000.00	
Bank West	TD 91 days @ 4.05% due 11/5/09	1,000,000.00	
Aust.Defence Credit Union	TD 91 days @ 4.25% due 15/6/09	1,000,000.00	
St George Bank	TD 122 days @ 4.25% due 15/7/09	1,000,000.00	
IMB Banking & Financial Services	TD 91 days @ 4.00% due 10/8/09	1,000,000.00	
			13,927,690.52
<b>TOTAL</b>			<b>\$14,708,762.70</b>

## Commitments

Details	Amount	
<b>Internal Restrictions</b>	\$	\$
- 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	679,090	
- Water Fund	2,133,782	
- Sewer Fund	107,184	
Total Internal Restrictions		5,211,878
<b>External Restrictions</b>		
- Trust	169,237	
- Developer Contribution Reserve	592,599	
- Prepayments - Cemeteries	180,781	
- Unexpended Grants	2,700,026	
Total External Restrictions		3,642,643
Total Commitments as at 31 May 2009		8,854,521

Name	Institution	Purpose	Interest Rate	Loan Amount \$	Amount Outstanding \$	Due Date
Loan 176	National Australia Bank	Wentworth Water Supply Construction	7.439%	180,000	38,510.93	25/08/2011
Loan 180	National Australia Bank	Construction of Sewer Works	6.012%	105,368	68,715.99	23/02/2015
Loan 181	National Australia Bank	Buronga/Gol Gol/Dareton/Pooncarie Water Filtration	6.96%	2,180,000	613,175.29	19/08/2012
Loan 182	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	6.96%	178,000	49,690.04	19/08/2012
Loan 187	National Australia Bank	Buronga/Gol Gol Sewerage Augmentation	7.084%	1,454,000	742,952.04	19/11/2009
Loan 195	National Australia Bank	Midway/Memorial Gardens	6.904%	1,700,000	1,238,576.80	30/06/2021
Loan 198	Commonwealth Bank	Wentworth Streetscape	6.15%	220,000	48,784.72	25/01/2011
Loan 199	National Australia Bank	Wentworth Aerodrome	6.904%	300,000	248,929.43	23/06/2023
	Local Government Financial Services (LGFS)	Levee Bank	5.00%	1,000,000	826,663.84	
<b>TOTAL</b>					<b>3,875,999.08</b>	

### **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. McKinnon and Wakefield that the recommendation be adopted.***

**CARRIED**

***At 9.55am moved Crs. Thompson and Wakefield that report 12.2.2 be deferred and carried over to the end of the Council meeting so that consideration of other items listed in the agenda can be considered in the first instance.***

**CARRIED**

***At 11.24am Council commenced consideration of item 12.2.2.***

**12.2.2 Management Plan Adoption 2009/2010**

Responsible Officer:	Director Corporate & Community Services
Author:	Director Corporate & Community Services
Implications:	Policy, Management Plan
File & References:	F4/3 Part 2
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Management Plan and Submissions

**Recommendation**

- (a) That Council resolves to make and levy the following rates and charges under the Local Government Act 1993 for the 2009/2010 year which includes the maximum rate pegged limit of 3.5% overall.

***Residential - Wentworth:***

An ordinary rate of 0.00480811 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Wentworth, be now made for the 2009/10 rating period, subject to a minimum amount of (\$290.00) for each assessment.

***Residential - Rural:***

An ordinary rate of 0.004 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Rural, be now made for the 2009/10 rating period, subject to a base amount of (\$150.00) for each assessment. A percentage of 29.29% makes up the base amount of this category.

***Residential - Buronga:***

An ordinary rate of 0.0032 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Buronga, be now made for the 2009/10 rating period, subject to a base amount of (\$250.00) for each assessment. A percentage of 38.32% makes up the base amount of this category.

***Residential - Gol Gol East:***

An ordinary rate of 0.00389 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Gol Gol East, be now made for the 2009/10 rating period, subject to a base amount of (\$350.00) for each assessment. A percentage of 26.63% makes up the base amount of this category.

***Residential - Gol Gol:***

An ordinary rate of 0.00332 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Gol Gol, be now made for the 2009/10 rating period, subject to a base amount of (\$250.00) for each assessment. A percentage of 29.41% makes up the base amount of this category.

***Residential - Pooncarie:***

An ordinary rate of 0.01315 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Pooncarie, be now made for the 2009/10 rating period, subject to a minimum amount of (\$290.00) for each assessment.

***Residential - Dareton:***

An ordinary rate of 0.01315 cents in the dollar on the land value of all rateable lands categorised as Residential, sub categorised Dareton, be now made for the 2009/10 rating period, subject to a minimum amount of (\$290.00) for each assessment.

**Business - General:**

An ordinary rate of 0.0055 cents in the dollar on the land value of all rateable lands categorised as Business, sub categorised General, be now made for the 2009/10 rating period, subject to a base amount of (\$250.00) for each assessment. A percentage of 23.16% makes up the base amount of this category.

**Business – Winery:**

An ordinary rate of 0.18244683 cents in the dollar on the land value of all rateable lands categorised as Business, sub categorised Winery, be now made for the 2009/10 rating period, subject to a base amount of (\$90.00) for each assessment. A percentage of 0.15% makes up the base amount of this category.

**Business –Winery/Fruit Block:**

An ordinary rate of 0.02681756 cents in the dollar on the land value of all rateable lands categorised as Business, sub categorised Winery/ Fruit Block, be now made for the 2009/10 rating period, subject to a base amount of (\$110.00) for each assessment. A percentage of 0.97% makes up the base amount of this category.

**Business – Wentworth:**

An ordinary rate of 0.0085 cents in the dollar on the land value of all rateable lands categorised as Business , sub categorised Wentworth, be now made for the 2009/10 rating period, subject to a base amount of (\$250.00) for each assessment. A percentage of 39.50% makes up the base amount of this category.

**Business –Gravel Loam Extraction:**

An ordinary rate of 0.03448038 cents in the dollar on the land value of all rateable lands categorised as Business, sub categorised Gravel/loam Extraction, be now made for the 2009/10 rating period, subject to a minimum amount of (\$290.00) for each assessment.

**Business – Bentonite Extraction:**

An ordinary rate of 0.05 cents in the dollar on the land value of all rateable lands categorised as Business, sub categorised Bentonite Extraction, be now made for the 2009/10 rating period, subject to a base amount of (\$200.00) for each assessment. A percentage of 3.57% makes up the base amount of this category.

**Business – Mineral Sands Extraction:**

An ordinary rate of 0.0621432 cents in the dollar on the land value of all rateable lands categorised as Business, sub categorised Mineral Sands Extraction, be now made for the 2009/10 rating period, subject to a base amount of (\$90.00) for each assessment. A percentage of 0.02% makes up the base amount of this category.

**Farmland- Dry Land Grazing :**

An ordinary rate of 0.004 cents in the dollar on the land value of all rateable lands categorised as Farmland, sub categorised Dry Land Grazing, be now made for the 2009/10 rating period, subject to a base amount of (\$625.00) for each assessment. A percentage of 32.68% makes up the base amount of this category.

**Farmland- General :**

An ordinary rate of 0.004 cents in the dollar on the land value of all rateable lands categorised as Farmland, sub categorised Dry Land Grazing, be now made for the 2009/10 rating period, subject to a base amount of (\$625.00) for each assessment. A percentage of 49.70% makes up the base amount of this category.

**Farmland- Licence/Pump Site/Pipeline :**

An ordinary rate of 0.0685 cents in the dollar on the land value of all rateable lands categorised as Farmland, sub categorised Dry Land Grazing, be now made for the 2009/10 rating period, subject to a base amount of (\$80.00) for each assessment. A percentage of 40.93% makes up the base amount of this category.

In accordance with the provisions of the Local Government and Valuation of lands Amendment (Water Rights) Act 2005, the amount levied as an Ordinary rate for any Parcel of land in the category farmland will be limited to an amount not more than 20% above the amount levied as an Ordinary rate for the previous year.

(b) That Council makes and levy fees and charges for Water and Sewerage as follows:

**Water and Sewerage Charges - 2009/2010****WENTWORTH SHIRE COUNCIL****Adopted Water, Sewerage & Garbage Charges - 2009/2010**

Description	Assess	Proposed	Notional Income	Pensioner
<b>Water Charges</b>				

Proposed Basic Charges for a 20mm connection will be as follows:-

<b>Filtered Water</b>				
Access Charge			\$240.00	per annum
Water Cost - 0-250kl			\$1.15	per kl
Water Cost - over 250kl			\$2.70	per kl

<b>Raw Water</b>				
Access Charge			\$125.00	per annum
Water Cost - 0-700kl			\$0.37	per kl
Water Cost - over 700kl			\$1.00	per kl

**Flats & Units**

The access charge will apply to all connections and to Namatjira and resident complexes such as flats.

Each flat or unit will be levied at 20mm access charge for raw and filtered water.

The body corporate management committee will then be charged for actual water used.

The body corporate will be responsible for the allocation of charges within the complex.

<b>Access Charges are determined by the connection size as follows:-</b>					
Type	Size (mm)	Assessments	Filtered Water		
			Access Charge	Allowance	Notional Income (\$)
Residential or Non Residential	20	2105	240	250 kl	\$505,200
	25	36	385	500 kl	\$13,860
	32	5	635	750 kl	\$3,175
	40	15	1000	1000 kl	\$15,000
	50	14	1560	1750 kl	\$21,840
	80	2	3990	4000 kl	\$7,980
	100		6240	6250 kl	
	150		14040		
	200		25000		\$567,055
Type	Size (mm)	Assessments	Raw Water		
			Access Charge	Allowance	Notional Income (\$)
				1st Step	

Residential or Non Residential	20	2163	125	700 kl	\$270,375
	25	32	185	1400 kl	\$5,920
	32	7	310	2100 kl	\$2,170
	40	19	500	2800 kl	\$9,500
	50	16	780	4900 kl	\$12,480
	80	2	1995	11200 kl	\$3,990
	100	2	3120	17500 kl	\$6,240
	150		7020		-
	200		12480		-
					<b>\$310,675</b>
<b>Rural 1(c) Raw Water</b>					
<b>Size of Connection</b>			<b>Access Charge</b>	<b>First Step \$0.25</b>	<b>Second Step \$1.00</b>
20mm	95.00		\$135.00	0-2000 kilolitres	2001+ kilolitres
					<b>\$12,825</b>
Filtered Water			Up to 4000kl	\$1.10	Per kl
			Next 4000kl	\$1.80	Per kl
			Next 4000kl	\$1.70	Per kl
			over 12000kl	\$1.60	Per kl

**Total Water Access Charges**

**\$920,410.00**

<b>Sewerage Charges Description</b>	<b>Assess</b>	<b>Charge</b>	<b>Notional Income</b>	<b>Pensioner Rebate</b>
Sewerage Connected	1587	570.00	\$904,590	\$31,000
Sewerage Unconnected	161	570.00	\$91,770	
Sewerage 1st Pedestal	27	570.00	\$15,390	
Sewerage Pedestal WC	712	88.00	\$62,656	
Sewerage Urinal	58	43.50	\$2,523	
Sewerage Church WC	40	48.50	\$1,940	
Sewerage 2 Flats	9	825.00	\$7,695	
Sewerage 3 Flats	3	1100.00	\$3,420	
Sewerage 4 Flats	4	1375.00	\$5,700	
Sewerage 5 Flats	4	1650.00	\$6,840	
Sewerage 6 Flats	2	1925.00	\$3,990	
Sewerage 7 Flats	3	2200.00	\$6,840	
Sewerage 9 Flats	0	2750.00	\$0	
Sewerage 10 Flats	1	3025.00	\$3,135	
Sewerage 12 Flats	1	3575.00	\$3,705	
Sewerage 14 Flats	1	4125.00	\$4,275	
			<b>\$1,124,469</b>	<b>\$31,000</b>

(c) That a domestic waste management charge under Section 496 on each parcel of rateable land of which the service is available be made as follows: (one mobile garbage container only).

<b>Garbage Charges Description</b>	<b>Assess</b>	<b>Proposed Charge</b>	<b>Notional Income</b>	<b>Pensioner Rebate</b>
Domestic Waste Urban	1895	175	\$331,625	\$22,500
Domestic Waste Rural	788	225	\$177,300	\$6,000
			<b>\$508,925</b>	<b>\$28,500</b>

- (d) That Council fixes the fees and charges for the year 2009/2010 as set out in the Management Plan 2009/2010.
- (e) That in accordance with Section 566(3) of the Local Government Act, 1993, Council adopts a 9% rate of Interest charge payable on overdue rates and charges during the 2009/10 financial year.
- (f) That Council, after considering all submissions received during the public exhibition period of 28 days, adopts the Management Plan 2009/2013, as amended, including the Financial Plan for that period, Revenue Policy for the 2009/2010 year including the increased rates and charges be adopted by.
- (g) That the expenditure set out in the Financial Plan estimates for the 2009/2013 financial years contained in the Management Plan be adopted and voted.
- (h) That council determines the organisational structure in accordance with section 333 of the Local Government Act 1993, as appended to the adopted Management Plan.

### **Purpose**

The purpose of this report is to highlight all changes that have been made to the Draft Management Plan 2009/2013 as a result of further available information, to present all submissions made as a result of the public exhibition for 28 days of the Draft Management Plan for consideration and to seek adoption of the Management Plan from Council for a four year period from July 2009 to June 2013.

### **Summary**

Council's Draft Management Plan 2009/2013 including a draft Financial Plan 2009/2013 and Revenue Policy for 2009/2010 was placed on public exhibition following the Council meeting held on 20 May 2009 for a 28 day period between 23 May 2009 and 22 June 2009.

The Management Plan was advertised in the Mildura Weekly, the Sunraysia Daily and the NSW Standard inviting public comment. Copies of the documents were made available for viewing at Council Offices, Libraries, the Visitor Information Centre and at the Pooncarie Telecentre and was available on Council's Web site.

Community information sessions were also held in Wentworth (Tuesday 9 June), Dareton (Thursday 11 June) and Buronga (15 June). All meetings were attended by staff, Councillors and community members.

There have been nil (0) written public submissions received to date of this report and the period within which submissions may be made ends on 22 June 2009. Copies of any submissions received by close of submissions date will be tabled for Council's consideration at the meeting.

The Draft Management Plan is presented for adoption after all submissions received are considered.

### **Report**

The Major impacts in the Draft 2009/2010 Financial Plan are as follows:

- The Ministerial rate pegging announcement of 3.5% will result in an additional \$127K income.
- The separation of land from water and the NSW Valuer General's valuation of land throughout the Shire in 2008 which is carried out every four years, will be applied as at 1 July 2009 and will take effect in the 2009/2010 year. The new valuations have assisted in bringing in a more equitable balance in line with market fluctuations to land valuations. It is important to note that even though the overall increase in rate revenue is \$127K, there is a significant redistribution of rates paid between individual properties as a result of the significant differences in land values within the rating categories. A minimum rate has also been applied to the township of Wentworth of \$290 in line with Pooncarie and Dareton.
- Investment revenues are forecast to decrease by approximately \$400K as a result of decreased funds available for investment and the current low interest rates.
- Forecast employee costs include a 3.2% provision for award wage increase
- Superannuation has been budgeted at 647K – an increase of 150K for employees in the Defined Benefits Scheme for pre 1992 employees. The LGSS advised that an increase to 100% over a 10 year period for members of the Defined Benefits Scheme is probable unless investment markets improve and will be reviewed in September of each year.
- Insurance costs will remain stable with decreased Public Liability costs and increased Property costs by approximately 10%.
- Material and Contract costs are expected to rise by at least CPI.
- Other fees and charges increases are either set to CPI or reflect market demand. Some hall charges have remained the same to encourage increased usage.
- The proposed Sewer infrastructure works have necessitated a significant increase in Sewer charges. This will be offset by Council decision for Domestic Waste charges to remain the same as the previous year and a reduction in Water Access Charges except for an increase to high users of raw water. Council's Strategic Business Plan for Sewer highlights that the Sewer Rate for 2009/2010 based on the required infrastructure needs into the future should be \$625.00 per annum and Council will progressively increase the Sewer rate until the recommended charge is reached.

Other initiatives included in the Plan are as follows:

- Continuation of the mulching program (new guidelines out July)
- Funds allocated to encourage better utilisation of water in the Community
- Completion of Council's asbestos audit on buildings
- Netball Courts and lights for George Gordon Oval – Dareton
- Development of Murray Street land for residential purposes
- Wentworth Wharf extension
- Stage 2 of the rural property numbering program
- Development of the Dareton town square in the main street

- Gol Gol Waterfront development plan
- Alcheringa Oval improvements
- Street Lighting upgrade
- Aerodrome Runway upgrade
- Wentworth Aerodrome redevelopment plan
- Junction Island Bridge Board Walk.

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

Management Plan

### **Conclusion**

All changes and submissions made to Council regarding the Draft Management will be tabled, discussed and considered at the June Council Meeting.

The Draft Management Plan has been prepared and exhibited in accordance with Section 405 of the Local Government Act 1993 and all submissions will be presented to Council for consideration prior to the adoption of the Management Plan.

The Management Plan includes a statement of Council's objectives and performance targets for all principal activities and forms the basis of Council's operations throughout the 2009/2010 financial year. Any changes to the Management Plan will require prior Council approval and will be presented to Council as variances at the quarterly reviews.

***Moved Crs. Wakefield and Whitfield that the recommendation be adopted, subject to the following changes:-***

DESCRIPTION	Current Proposed	New Budget	
NSW State Emergency Services	\$0.00	\$19,480.00	
NSW Rural Fire Service	\$279,130.00	\$276,000.00	
NSW Fire Brigade	\$22,000.00	\$19,600.00	
Business Continuity Plan	\$0.00	\$11,900.00	Carried over from last year
Electricity Charges	\$408,000.00	\$460,000.00	Advised of new charges 20% increase
Mobile Skate Ramp	\$0.00	\$50,000.00	Carried over from last year
Financial Assistance Grant	\$4,086,440.00	\$4,069,672.00	Advised by DLG
<b>Fees &amp; Charges</b>			
Special Meter Reading Charge		\$40.00	per reading
Tipping Charges			
Station Wagon/Car Boot	\$6.50	\$7.00	
6 x 4 Trailer/Utility			
Water Level		\$11.50	
Heaped		\$15.00	
Caged		\$20.00	
7 x 5 Tandem Trailer (Double or Single Axle)			
Water Level		\$23.00	
Heaped		\$30.00	
Caged		\$40.00	

DESCRIPTION (continued)	Current Proposed	New Budget	
Concrete		11.50 per cubic metre	
Tandem Trailer to 3m3 Truck Loads - Commercial	\$23.00	\$45.00	
		\$23 per cubic metre	
Dumping of car bodies	\$21.00	Nil	
Car and Motorbike Tyres	\$7.50	\$7.00	
Small Truck Tyres	\$13.00	\$12.50	
Large Truck Tyres	\$23.00	\$22.00	
Super Single Tyre	\$23.00	\$22.00	
Earthmoving or Tractor Tyre	\$83.00	\$80.00	
Waste Oil (Petroleum oils only) (Buronga & Wentworth Only)	16cents litre	Nil	
Scrap metal, clean fill, chemical drums (clean and dry)		Nil	
Comingled Recycling (paper, cans, plastic bottles, glass)		Nil	
Cardboard, batteries, gas cylinders		Nil	
Developer Contributions - Section 94 charges			
Sewerage	\$3,737.00	\$5,157.00	As per Council resolution of Jan 2008
Filtered Water	\$2,128.00	\$1,176.00	As per Council resolution of Jan 2008
Raw Water	\$1,817.00	\$1,005.00	As per Council resolution of Jan 2008
Stormwater	Various	\$292.00	As per Council resolution of Jan 2008

**CARRIED****12.2.3 Namatjira Headworks Charges – Write Off**

Responsible Officer: Director Corporate & Community Services  
 Author: Director Corporate & Community Services  
 Implications: Management Plan  
 File & References: S4-9  
 Attachments: Nil  
 Separately Circ.: Nil  
 Tabled: Nil

**Recommendation**

That Council writes off the amount of \$110,966 invoiced for Sewer, Raw and Filtered Water Headworks charges at Namatjira Reserve.

**Purpose**

The purpose of this report is to inform Council of circumstances regarding charges invoiced in 2001 for headworks fees at Namatjira Reserve for a 20 dwelling development and to seek approval to write off the outstanding debt.

**Summary**

Council granted consent to the Namatjira Working Party for the development of 20 dwellings, storage shed and small shop in May 1997. Burns Aldis were the consultants for this project.

Headworks charges for twenty dwellings were invoiced and paid. Following the completion of the works, Council employees found that a further 34 connections were made to existing housing without Council consent.

This led to an invoice sent to Burns Aldis for 34 headworks fees for sewer, raw and filtered water totalling \$110,966. This account has been in dispute since 2001.

Legal opinion has been sought and Council has been advised that it is highly unlikely that Council will recover these charges. Accordingly, it is recommended that the outstanding amount be written off.

**Report**

The original housing development on the Namatjira Reserve was around 1960 and consisted of 34 homes. The owner of the project is the Dareton Local Aboriginal Lands Council and Burns Aldis were the Project Managers.

Council approved a development of 20 dwellings, storage shed and small shop in May 1997. Following the completion of this project, Council became aware that the original 34 dwellings were connected to Sewer and Water infrastructure without Council's consent. This resulted in an invoice sent to Burns Aldis in August 2001 for additional headworks charges totalling \$110,966 for Sewer, Raw water and Filtered water.

The account has been in dispute since it was raised.

Buckworth Keady Lawyers Pty Limited were requested to give an opinion on Council's ability to recover the headwork charges.

The opinion given was that it would be arguably difficult to enforce payment of this debt.

**Management Plan Implications**

A provision for doubtful debts has been carried in the Balance Sheet over a number of years for this debt.

**Conclusion**

The debt recovery has very little prospect of success for reasons outlined above. To pursue the debt further would generate further significant legal costs and as this debt has been represented in Council's outstanding debts for almost nine years it would be recommended that the debt is written off.

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

**CARRIED**

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

### **12.3.1 Local Emergency Management Officer (LEMO)**

Responsible Officer:	Director Infrastructure and Assets
Author:	Property Management Officer
Implications:	Nil
File Reference:	C6/24-2
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

#### **Recommendation**

That the Director Infrastructure and Assets Tony Cheng be appointed Local Emergency Management Officer (LEMO) including Chairperson of the Local Emergency Management Committee (LEMC), and that whilst acting as Director Infrastructure and Assets Derek Wiseman assumes the Local Emergency Management Officer role.

#### **Purpose**

To appoint the Director Infrastructure and Assets to the position of LEMO and review positions of chairperson of LEMC.

#### **Report**

Under Section 28 (3) of the State Emergency and Rescue Management (SERM) Act 1989 "The Chairperson of a Committee is to be a person who has the authority of the council to co-ordinate the use of the council's resources in the prevention of, preparation for, response to and recovery from emergencies" and Section 32 "The principal executive officer is to be known as the Local Emergency Management Officer".

Currently the role of the Chairperson of the Local Emergency Management Committee is undertaken by a Councillor. As the role requires operational matters that cannot be undertaken by a councillor it is recommended that the Director Infrastructure and Assets adopt the role of Chairperson and LEMO.

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

Emergency Management is a component of public safety.

#### **Conclusion**

The appointment of the LEMO is a Council function.

***Moved Crs. Hederics and Wakefield that the Director Infrastructure and Assets Tony Cheng be appointed Local Emergency Management Officer (LEMO) including Chairperson of the Local Emergency Management Committee (LEMC).***

**CARRIED**

*Cr Thompson extended his best wishes and good luck to Derek Wiseman who has submitted his resignation and will be commencing a new job position on Thursday Island.*

### **12.3.2 Payments to NSW Rural Fire Service, NSW Fire Brigades and NSW State Emergency Service**

Responsible Officer: Director Corporate & Community Services  
Author: Director Corporate & Community Services  
Implications: Management Plan  
File & References: E8/4-3  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

#### **Recommendation**

That Council notes and considers:

1. Changes to the NSW Rural Fire Service, NSW Fire Brigades and NSW State Emergency Service contributions, impact on cash flows and reduction of reimbursements.
2. The level of support to the NSW State Emergency Service in terms of optional payments made in addition to the legislated contribution.

#### **Purpose**

The purpose of this report is to inform Council of proposed contributions made to the NSW Rural Fire Service, NSW Fire Brigades and NSW State Emergency Service and to highlight the financial impact on Council.

#### **Summary**

Council previously contributed 12.3% to the NSW Fire Brigades and 13.3% to the NSW Rural Fire Service.

The contribution to the NSW Rural Fire Service and NSW Fire Brigades has decreased to 11.7% from 13.3% and 12.3% respectively to enable a payment to the NSW State Emergency Service.

The impact of the reduction in contribution to the NSW Rural Fire Service will result in a reduction of reimbursement of approximately \$13,000 per annum. The first year reduction in contribution offsets this amount and the contribution to the NSW SES.

Council has provided the SES with a building as well as contributing approximately \$9,500 towards running costs each year. The changes will result in an additional yearly monetary contribution of \$19,475.

The State Emergency Service Act 1989 states that Council must provide a building for NSW SES but other costs are optional.

The NSW State Emergency Service requires payment for the three services six months earlier than the current system for approximately \$80,000 per quarter. The

corresponding reimbursement from the NSW RFS will still be paid in December of each year and will impact on cash flows.

### Report

#### NSW Fire Brigade

The NSW Fire Brigade contribution will reduce from 12.3% to 11.7% for the 2009/10 financial year. However the payment from Council will increase from \$19,072 in 2008/09 to \$19,600 in 2009/10. No other contribution is made by Council.

Council's contributions for a period of four years are as follows:

- |                      |          |                |
|----------------------|----------|----------------|
| • 2005/06            | \$17,106 |                |
| • 2006/07            | \$17,790 | 4% increase    |
| • 2007/08            | \$18,469 | 3.81% increase |
| • 2008/09            | \$19,072 | 3.3%           |
| • 2009/10 (proposed) | \$19,600 | 2.8%           |

#### NSW Rural Fire Service

The NSW Rural Fire Service is a more complicated process whereby the Zone budget, including Wentworth and Balranald is prepared and signed off by Council with the approval of the Balranald Shire Council.

The local budget includes all maintenance and repair items as well as all capital requirements. Salaries are paid by NSW RFS Head office direct.

The budget is then forwarded to NSW Rural Fire Service Regional office where the budget is either approved or cut back after negotiating cuts with the local Rural Fire Service generally in January of each year.

Council is reimbursed for all Maintenance and Repairs and contribution to Program charges for the previous year in December. This generally coincides with the contribution payment to the RFS and the impact on cash flow is minimal.

Council has paid 13.3% each year for Program charges, maintenance and repairs, new appliances, equipment, staff salaries and associated costs, staff vehicles and associated costs and insurance for volunteers.

Council's contribution to the NSW Rural Fire Service over a four year period is as follows:

	Amount Paid	Amount Reimbursed
• 2005/2006	\$224,324	\$261,680
• 2006/2007	\$240,801	\$278,581
• 2007/2008	\$308,760	\$278,651
• 2008/2009	\$312,472	\$307,445
• 2009/2010 (proposed)	\$276,000	

The contribution of 13.3% has been reduced to 11.7% to offset the contribution to the State Emergency Service through the provisions of the State Revenue and Other Legislation Amendment Act (Budget Measures) 2008 No 122.

Contribution to the NSW Rural Fire Service includes 13.3% for program charges of approximately \$800,000 which is fully reimbursable. The difference between 13.3% and 11.7% reimbursement is a reduction of \$13,000 to Council per annum.

In addition to this shortfall, payment of approximately \$80,000 is required six months earlier than the current system. This will impact on Council's cash flows as Council will pay out in July and be reimbursed in December. Council currently pays two quarterly payments as invoiced in December and receives a reimbursement for approximately the same amount in December with no cash flow implications.

#### NSW State Emergency Service

The contribution to the NSW State Emergency Service has been set at \$19,475 for 2009/2010 and is the first contribution made to this service.

The NSW State Emergency Service will collect contributions on behalf of the three services to simplify business processes for Councils.

Council provides a building in Armstrong Avenue, Wentworth for use by the NSW SES as required under the State Emergency Service ACT 1989.

Other costs paid by Council include Insurance, Electricity, Telephone, Rates, Repairs and Maintenance and some fuel for a total cost of \$9,380. Some of these costs are optional and where negotiated many years ago.

#### **Management Plan Implications**

The contribution to the NSW State Emergency Service will impact on the Draft Management Plan 2009-2013.

#### **Conclusion**

Even though the reduction in NSW RFS contribution offsets the new contribution to the NSW SES, Council could potentially be disadvantaged in the longer term, as 13.3% of program charges are currently reimbursable to Council. In future years only 11.7% of program charges will be reimbursed for approximately \$13,000 less than previous years. There are no reimbursements from the NSW Fire Brigade and the NSW State Emergency Service.

Cash flows will also be impacted as payments will be made in July with reimbursement made in December, with Council funding the three bodies for the amount of \$160,000 prior to reimbursement.

***Moved Crs. McKinnon and Wakefield that the recommendation be adopted with the inclusion of a third recommendation:-***

***(3) that Council conducts consultation with SES Headquarters to determine funding options with a report back to Council.***

**CARRIED**

*Councillor Thompson left the Council Chambers at 10.15am.*

**12.3.3 NSW Police Force – Request for Funding a Replacement Police Vessel**

Responsible Officer: General Manager  
Author: General Manager  
Implications: Management Plan  
File Reference: F4/3-4  
Attachments: Council report May 2009  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council considers its level of response to the request for funds to support the purchase of a replacement police patrol boat.

**Purpose**

To update Council on request for Council to contribution to a new model Police Boat.

**Report**

Council on 20 May considered a request from Dareton Police for Council to contribution funds to the purchase of a second vessel for the purpose of improving services to the local community and to all users of the Murray and Darling Rivers.

The report to Council's May Meeting is attached, including the minute.

Since that time the Mayor and General Manager met with Detective Inspector Kylie Smith on 12 June. It is understood that the request for funding will go to a replacement (upgrade) of the existing vessel and it is possible that the sale of the existing vessel may reduce the overall net cost of the new vessel. Therefore the request of 50% of the replacement vessel would be up to a maximum amount of \$11,545.

It appears that the upgrade is needed to ensure that all normal police patrol activities can be undertaken satisfactorily as opposed to the current vessel not being totally adequate for all circumstances.

At the time of the meeting with Inspector Kylie Smith no confirmed responses had been received in terms of the funding. Councillors will recall that both this Council and the Mildura Rural City Council had been approached for funding.

**Management Plan**

Funding of this request is not currently in the Management plan. If Council decides to provide funds of the management Plan will be adopted with the inclusion of this request.

**Conclusion**

Nil.

***Moved Crs. Wheeldon and Wakefield that Council does not contribute financially to the purchase of a Police vessel.***

**CARRIED**

*Councillor Thompson returned to the Council Chambers at 10.18am*

#### **12.4 PRINCIPAL ACTIVITY: HEALTHY COMMUNITIES (HEALTH SERVICES)**

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

##### **12.5.1 Draft Youth Strategy 2009-12**

Responsible Officer: Community and Economic Development Officer  
Author: Community and Economic Development Officer  
Implications: Youth development  
File Reference: G4/23-2  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Draft Strategy

#### **Recommendation**

That Council adopts the Youth Strategy 2009-12.

#### **Purpose**

The purpose of this report is to formally adopt the youth strategy as the key policy document guiding the Wentworth Shire Council in its decision making, resource allocation and the on-going actions required to respond to the issues and concerns of young people within the Region over the next 4 years.

#### **Summary**

At the May Council Meeting the draft Youth Strategy was adopted, and put on public display for 28 days. This Youth Strategy is intended to be the key policy document guiding the Wentworth Shire Council in its decision making, resource allocation and the on-going actions required to respond to the issues and concerns of young people within the Region over the next 4 years.

#### **Report**

At the May meeting of Council, Council resolved to adopt the Draft Youth Strategy and put it on public display for a period of 28 days. The submission period closes on June 22<sup>nd</sup>. At the time of writing this report no submissions had been received.

On the basis of no submissions received, Council should adopt the document in its current form without any substantive changes. Should any submissions be received prior to the Council meeting, they will be tabled for consideration at that time.

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

Following the adoption of the document, this document will be the key policy document guiding Council and its officers in its decision making, resource allocation and the ongoing actions required to respond to the issues and concerns of young people within the Region over the next 4 years.

#### **Conclusion**

The Youth Strategy 2009-2012 provides a clearly articulated, multi-faceted approach for Council to follow in relation to what it can do to achieve its vision for youth.

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

**CARRIED**

## **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: L1/8-4  
 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 May 2009.

### **Report**

<b>DA No</b>	<b>OWNER / APPLICANT</b>	<b>LOCATION</b>	<b>DEVELOPMENT TYPE &amp; VALUE</b>	<b>NO. DAYS</b>	<b>DATE APPROVED</b>
08/149	BW & A PO Box 2105 Mildura	Lot 1 DP 1072278 Darling View Road Darling View	Swimming Pool enclosed and construct rumpus room (\$148,000)	131	1 May 2009
09/005	E F Healy Court Nareen Station Wentworth	Lot 451 DP 761279	Managers residence (\$280,000)	23	6 May 2009
09/038	R & K Westerhuis	Lot 39 DP 1058775 Rosedale Court Buronga	Garage (\$5000)	45	8 May 2009
09/054	Cookes Pools and Spas (A Sullivan)	Lot 5 DP 735148 Pooncarie Road Wentworth	Swimming Pool (\$52,996)	12	12 May 2009
08/068	Peter Danson (I & D Linklater)	Lot 2 DP 8 Gol Gol North Road Gol Gol	Five Lot Subdivision	118	12 May 2009
09/040	D & L Allen PO Box 4104 Mildura	Lot 2 DP 815738 Boeill Creek Rd Boeill Creek	Verandah and Deck (\$70,000)	48	15 May 2009
09/024	NSW Dept. of Commerce 2-24 Rawson Place Sydney	Lot 882 DP 756961 Melaleuca Street Buronga	Dwelling (\$295,000)	15	18 May 2009
09/022	NSW Dept. of Commerce 2-24 Rawson Place Sydney	Lot 877 DP 756961 Pitman Avenue Buronga	Dwelling (\$265,000)	14	15 May 2009

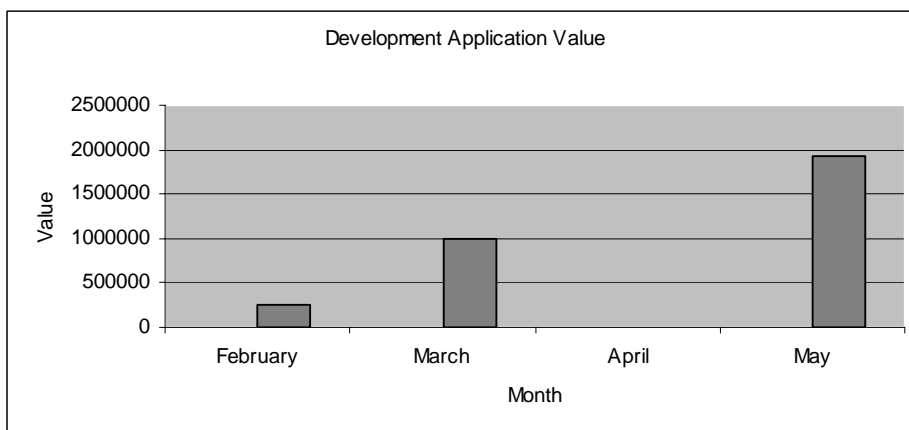
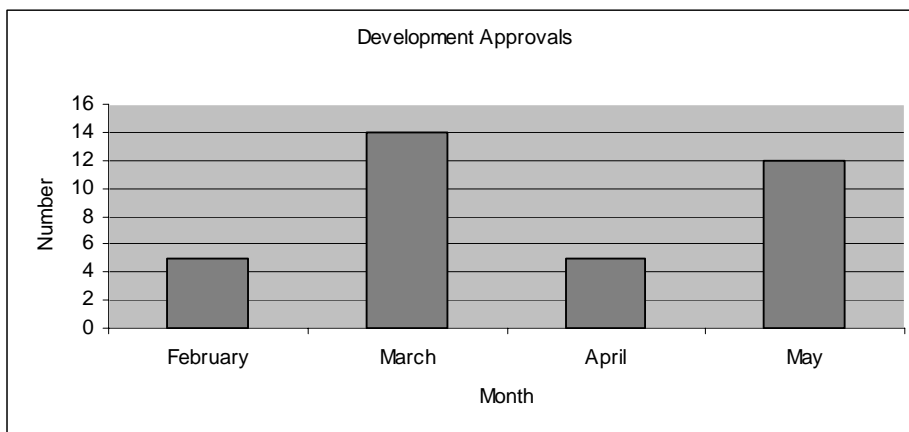
09/023	NSW Dept. of Commerce 2-24 Rawson Place Sydney	Lot 876 DP 756961 Pitman Ave Buronga	Dwelling (\$265,000)	15	18 May 2009
184/07	GSD Architects (A & J Metcalfe)	Lot 2 DP 758456 Murray Street Gol Gol	Dwelling, Shed, Swimming Pool (\$450,000)	95	18 May 2009
09/018	Roy Costa & Associates (V & CG Finis)	Lot 1 DP 583691 Gol Gol North Road Gol Gol	Two Lot Subdivision	69	20 May 2009
09/025	BW & A (C & M Pointon)	Lot 1 DP 875576 River Drive Buronga	Dwelling Extension (\$95,000)	63	21 May 2009

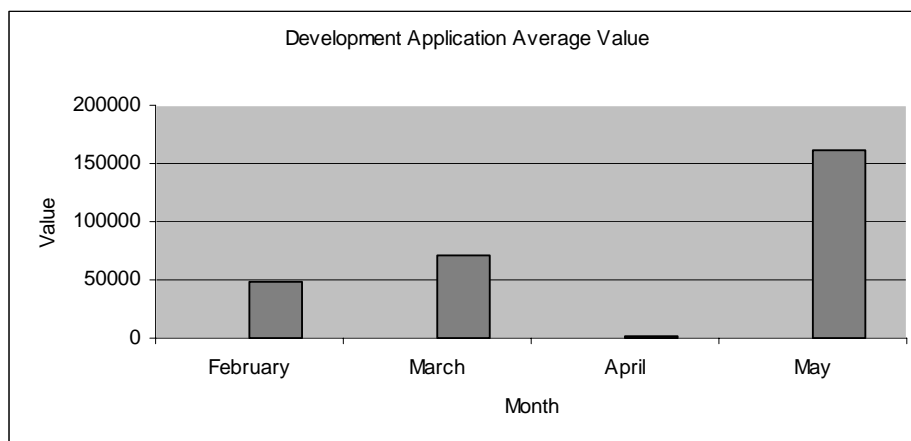
Number of Development Applications before the Court Nil.

**Summary**

For the month of May there were twelve Development Applications approved under delegated authority by the Director - Development & Environment. The estimated cost of the approved developments is \$1,925,996. The following data and graphs indicate comparison of value for previous months of this financial year.

Month	DA's Approved	Value	Average
February	5	\$244,700	\$48,940
March	14	\$999,690	\$71,406
April	5	\$9,000	\$1,800
May	12	\$1,925,996	\$160,500
Total	36	\$3,179,386	\$282,646





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

**CARRIED**

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

### **12.7.1 PS Ruby Committee of Management Nominations**

Responsible Officer: Director Corporate & Community Services  
 Author: Director Corporate & Community Services  
 Implications: Management Plan  
 File & References: C14/2  
 Attachments: Nil  
 Separately Circ.: Nil  
 Tabled: Nil

#### **Recommendation**

That Council endorses and approves the nomination of Jane Brook and David Scolyer to the PS Ruby Committee of Management which is a Section 355 Committee of Council.

#### **Purpose**

The purpose of this report is to seek Council endorsement of two new members that have expressed an interest in joining the PS Ruby Committee of Management.

#### **Summary**

An expression of interest has been received from Jane Brook and David Scolyer to become members of the Paddle Steamer Ruby Wentworth, Board of Management. Both applicants have been approved by the Board and request that Council endorse both applicants as members of the Committee of Management.

Council's Elected Member is Councillor Peter Thomson and the Director of Corporate & Community Services Ms T Maguire being Council's representative as Treasurer.

Other members of the Committee are:-

- Leon Wagner
- Bill Brook
- Annabel Walsh

- Gaye Lamb
- Steve Hederics
- Barbara McIntyre
- Dave Eddie

### **Report**

The PS Committee of Management has the responsibility for the management of the Paddle Steamer and the implementation of programs, business management and governance of the PS Ruby.

The Board is a Section 355 Committee of Council and meets on a monthly basis. The PS Ruby is nearing completion and will require a range of skills to enter into the next phase when the Paddle Steamer is in operation mode.

Jane Brook has taken on the role of secretary and has a broad range of experience in events, grant applications and community focus. Her skills would be of great benefit to the Board in assisting in the development of a range of opportunities planned for the Ruby.

David Scolyer will also be a valuable member of the Board. He has recently retired from his position of Wentworth Manager for MADEC and will bring considerable business, training and personnel management skills to the Board.

The Committee of Management discussed the nominations and proposed that the two nominees be invited to join the PS Ruby Committee of Management after endorsement by Council.

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

Nil

### **Conclusion**

Both nominees will bring a broad range of skills and knowledge to the Board and would be very valuable appointments to the PS Ruby Committee of Management.

***Moved Crs. Thompson and Whitfield that the recommendation be adopted.***

**CARRIED**

## **12.8 PRINCIPAL ACTIVITY: STATUTORY & STRATEGIC PLANNING**

### **12.8.1 DA08/075 Proposed Extractive Industry (Gypsum)**

Responsible Officer:	Director Development and Environment
Author:	Planning Officer
Implications:	Policy, Management Plan
File & References:	DA08/075
Attachments:	Conditions
Separately Circ.:	Submissions
Tabled:	Nil

**Recommendation**

That the Development Application by G M Richardson Pty Ltd to extract gypsum from within a site described as Lot 6918 in DP 1000008 Arumpo Road Mourquong be approved subject to conditions attached.

**Purpose**

The purpose of this report is for Councillors to determine the application which is classified as 'Designated Development' in accordance with the Environmental Planning and Assessment Act 1979.

**Summary**

G M Richardson Pty Ltd has been operating from the current location for over 30 years. He has made application to Council to expand his extraction area and mining lease area. The extraction component requires the consent of Council and the Mining Lease will be issued by the Department of Primary Industries.

**Report**

The proposal is to extract gypsum from sites contained within Lot 6918 DP 1000008. The land is owned by the Crown and administered by the Department of Lands. The gypsum extraction is limited to the area accompanying the Environmental Impact Statement (EIS). The development proposal is classified as "Designated Development". This classification requires extensive referrals to other government departments. A summary list of other government agency submissions is attached for reference. The proposal was also advertised for a period of thirty (30) days. One submission was received as a result of the advertising.

The details of the development are set out in detail in the "Environmental Impact Statement" attached to this report. As well as the Impact Statement, the proponent was required to supply supporting further information, also attached.

The submission received as a result of the public notification was an objection on that grounds that the overall site is excessive in size. The Department of Primary Industries also had concerns about the size of the mining lease application. Officers from the Department of Primary Industries (minerals); officers of Council; the proponent and the applicant had discussions, including the size of the mining lease area and as a consequence of that meeting and on-going discussions with G M Richardson Pty Ltd the mining lease area has been reduced.

**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.

**Conclusion**

After consideration of the matters that should be taken into account as specified in Section 77A of the Environmental Planning and Assessment Act 1979 and Clause 77 of the Environmental Planning and Assessment Regulation 2000, and the submissions made to the advertising and referral period, it is recommended that the

proposed extractive industry (gypsum) be approved subject to conditions, including the mandatory general terms of approval from government agencies.

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

**CARRIED**

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

***For the motion: Councillors Thompson, McKinnon, Hederics, Wakefield, Whitfield, Wheeldon, Thomson***

***Against the motion: Nil***

## **12.9 PRINCIPAL ACTIVITY: BUILDING CONTROL**

## **12.10 PRINCIPAL ACTIVITY: SUSTAINABLE ECONOMIC DEVELOPMENT & GROWTH**

### **12.10.1 Draft Economic & Tourism Development Strategy 2009-12**

Responsible Officer: Community and Economic Development Officer  
Author: Community and Economic Development Officer  
Implications: Economic & tourism development  
File Reference: E1/12-7  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Draft Strategy

### **Recommendation**

That Council adopts the Economic and Tourism Development Strategy 2009-12.

### **Purpose**

To formally adopt the Economic and Tourism Development Strategy, providing Council with a clearly articulated, robust planning framework for Economic and Tourism Development across the Wentworth Shire.

### **Summary**

The purpose of this report is to formally adopt the Economic and Tourism Development Strategy as a high level framework, driving at a holistic approach to economic and tourism development across the Wentworth Shire.

### **Report**

At the May meeting of Council, Council resolved to adopt the Draft Economic and Tourism Development Strategy and put it on public display for a period of 28 days. The submission period closes on June 22<sup>nd</sup>. At the time of writing this report no submissions had been received.

On the basis of no submissions received, Council should adopt the document in its current form (tabled) without any substantive changes. Should any submissions be

received prior to the Council meeting, they will be tabled for consideration at that time.

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

The various actions outlined in this plan will take time to deliver. As we move through this plan, there will be various components that will require funding, or co-contributions to grant applications as and when they become available.

Specific budget allocations have not been made to roll out any of the initiatives outlined in this plan. The Community and Economic Development Unit has a resource allocation of 1 FTE, and no specific budget allocation. Therefore, there will be a reliance on grant funding to deliver the major elements of this plan. As each initiative is considered a request for a variation to budget will need to be made, if Council needs to provide co-contributions to grant funds.

### **Conclusion**

The Economic and Tourism Development Strategy Document provides the framework, and outlines various strategies and actions through which we can establish a sound basis for long term and sustainable economic expansion.

***Moved Crs. Whitfield and McKinnon that the recommendation be adopted and that the submission from Mr Bob Wheeldon be received and noted.***

**CARRIED**

### **Adjournment**

***At 10.28am moved Crs. McKinnon and Hederics that Council suspend standing orders for morning tea.***

**CARRIED**

### **Resumption**

***At 10.51am moved Crs. Thompson and McKinnon that Council resumes the Council meeting, with all Councillors present excluding Councillors King and Nichols.***

**CARRIED**

### **12.10.2 Murray Street Development Wentworth – Expression of Interest**

Responsible Officer:	Director Development and Environment
Author:	General Manager
Implications:	Residential development
File Reference:	L1/50
Attachments:	Nil
Separately Circ.:	Draft Expression of Interest document
Tabled:	Nil

### **Recommendation**

That Council seeks an expression of interest from persons or companies for the development of the Murray Street Land.

**Purpose**

To consider seeking expressions of interest in relation to the development of Murray Street land in Wentworth.

**Summary**

The Murray Street land has been acquired by Council to allow residential development and it is now in a position to develop the land. This report recommends seeking expressions of interest for the development.

**Report**

This report is proposing that Expression of Interest from suitably experienced individuals and companies to purchase and develop Council owned land being lots 1, 2, and 3 DP 1084410 in Murray Street Wentworth. The land area is approximately 3.908 Ha.

A draft EOI has been separately circulated to councillors.

The EOI will detail the requirements of those wishing to make proposals, including attendance at a compulsory briefing meeting, the evaluation process, selection criteria, and specific requirements in relation to the development.

After EOIs are received Council will consider the proposals with a view to deciding whether to proceed to tender or pursue another option.

**Policy and Management Plan Implications**

It is intended that the development is at a minimum cost neutral.

**Conclusion**

The development of Murray Street will result in a quality residential development which will service the housing market that exists in Wentworth.

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

**CARRIED**

**12.11 PRINCIPAL ACTIVITY: ENVIRONMENTAL MANAGEMENT****12.11.1 Investigation into Termites In Mulch for Nature Strips**

Responsible Officer: Director Infrastructure & Assets  
Author: Team Leader Parks & Gardens  
Implications: Nil  
File Reference: P50015/0012  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council receives and notes the report.

**Purpose**

The purpose for this report is to provide relevant information on termite infestation where nature strips has been augmented with mulch.

**Report**

Several pesticide companies were contacted to provide information in regard to 'termites in mulch' and to identify any negative impact on termite invasion of property due to mulch being supplied to residents on their nature strips. Companies contacted were Griffin Pest Management, Mildura and District Pest Management, Wally Green Pest Control, Mallee Pest Management and Flick.

All of these companies have stipulated that mulch placed on nature strips does not encourage termites to an area. If termites are in the area concerned before the mulch is laid, they may forage on wood chip mulch without making nests. In addition, if plastic or newspaper was used as an underlay for weed control the termites can be attracted to the site due to moisture retention.

**Policy and Management Plan Implications**

Nil

**Conclusion**

Mulch on nature strips has not been identified as being a cause of termites in houses.

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

**CARRIED**

**12.11.2 Fire Hazards And Mulch**

Responsible Officer:	Director Infrastructure & Assets
Author:	Team Leader Parks & Gardens
Implications:	Fire Hazards and mulch
File Reference:	P50015/0012
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

**Recommendation**

That Council receives and notes the report.

**Purpose**

The purpose for this report is to provide relevant information on potential fire hazards in coloured wood chip mulch.

**Report**

In regard to the coloured wood chip mulch applied by Council on its assets, the product currently in use is produced with a food graded dye to achieve the colouring, eliminate fire hazards and produce an environmentally friendly product.

Unlike other processes where a petroleum product has been added to Wood chip, Council has only used the food graded dye products to date and is not a fire hazard.

**Policy and Management Plan Implications**

Nil.

**Conclusion**

Dyed coloured wood chips will be continued to be applied to Council assets, where appropriate.

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

**CARRIED**

**12.12 PRINCIPAL ACTIVITY: DOMESTIC WASTE MANAGEMENT****12.13 PRINCIPAL ACTIVITY: ROADS & BRIDGES (INFRASTRUCTURE)****12.14 PRINCIPAL ACTIVITY: WATER SUPPLIES****12.14.1 Water Usage Wentworth Shire**

Responsible Officer: Director Infrastructure & Assets  
Author: Team Leader Water & Waste Water  
Implications: Nil  
File Reference: W2/4-2  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council receives and notes the report

**Purpose**

The purpose of this report is to indicate the water usage of Wentworth Shire to date and how the water will be used until the end of the 2009 financial year.

**Report**

Council's water entitlement for the townships supplied from the Murray River system has a usage total of 2838 ML per year. Wentworth Shire Council has used 1479 ML to the end of May 2009. Applying current water usage, June's usage would be approximately be 100 ML bringing the total water usage to 1579 ML.

To facilitate a more complete use of our water allocations, watering for the Parks and Gardens have increased to the following areas in particular, tree lines throughout the Shire in particular entry tree lines, Wetlands Buronga. All parks and gardens with exception of James King Park, Junction Park and Fotherby Park, due to being high traffic tourist areas.

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

Nil

### **Conclusion**

Depending on rainfall, Council will facilitate increased watering cycles for its assets.

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

**CARRIED**

### **12.14.2 Pooncarie Weir and Fish Ladder Project**

Responsible Officer: Director Infrastructure & Assets  
Author: General Manager, Director Infrastructure & Assets  
Implications: Water security for Pooncarie  
File Reference: W2/15-4  
Attachments: Nil  
Separately Circ.: Nil  
Tabled: Nil

### **Recommendation**

That the progress report be received and noted.

That Council ratifies the awarding of the tender for the constructions of the Pooncarie Weir and Fish Ladder to Kyabram Excavations, and that Council authorises the signing and sealing of the contract documentation, and authorises the General Manager to execute any related documentation associated with the Project.

### **Purpose**

To provide a status report on the project and authorize the sign of documents.

### **Summary**

Negotiations for the construction of the Pooncarie Weir and Fish Ladder haven been completed.

### **Report**

Council will recall that negotiations were required to fine tune the Pooncarie Weir and Fish Ladder Project to ensure that the project fell within the funds available to Council. This has been completed.

It is now appropriate for Council to resolve to authorise the signing of relevant contractual documents to facilitate this project. The contract for the project is \$1,015,258.60 (excluding GST).

**Policy and Management Plan Implications**

Funds to complete the project are included in the 09/10 Management Plan, including funds carried forward from 08/09 financial year.

**Conclusion**

Authority to sign various documents will allow the Pooncarie Weir and Fish Ladder Project progress to the next stage.

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

**CARRIED**

**12.14.3 Status Update - Water Restrictions**

Responsible Officer: Director Infrastructure & Assets  
Author: GM and DIA  
Implications: Moves to level 4 restrictions likely  
File Reference: W2/4-2  
Attachments: NSW Government "Critical Water Planning for the Murray River", Level 2 that currently operate in Wentworth Shire, Level 4 Water Restrictions Definition - Fact Sheet from NSW Government  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council receives and notes the report

**Purpose**

To provide a status update on water restrictions in light of recent officer level discussions that indicate that extremely low inflows into the Murray Darling System are likely to lead to level 4 or 3a restrictions from 1 July 2009.

**Summary**

It is likely that increased water restrictions will be imposed by State Department of Water and Energy from 1 July 2009. Further information will be provided at the meeting if available.

**Report**

Currently Council operates under level 2 water restrictions (attached) which are detailed in the attached pamphlet made available to all residents supplied water by the Council.

Over the last month the General Manager and Director Infrastructure and Assets conducted a teleconference with other Councils of RAMROC (Riverina and Murray Regional Organisation of Councils). It was made clear during the teleconference that greater restrictions would be imposed from 1 July 2009 because of the low inflows into the Murray Darling System.

Attached is the latest circular (15<sup>th</sup> June 2009) from NSW Government DWE in relation to inflows.

It can be assumed that level 4 (no watering outside) or level 3a (limited watering for 4 hours per week) is likely. All councils participated at the teleconference pressed hard for level 3a to be the commencement level rather than level 4.

Further information will be provided as soon as it is available.

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

If level 4 restrictions were introduced, it is likely that the NSW State Government will allow Councils to commence at a level 3a but only with the accompanying condition that Councils purchase temporary water to a determined level to achieve the level 3a. Refunds for any purchased water will not be available even if more generous allocation were given later in the year.

Staff will attempt to estimate the cost of going from level 4 to 3a for the meeting.

### **Conclusion**

A new level of water restrictions is likely to commence from 1 July 2009.

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

**CARRIED**

## **12.15 PRINCIPAL ACTIVITY: SEWERAGE SCHEMES**

### **13. REPORT MATRIX**

#### **13.1 COUNCIL MATRIX OF OUTSTANDING MATTERS**

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

### **Recommendation**

That Council receives and notes the report matrix.

### **Purpose**

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

### **Summary**

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

**Report**

The report is attached and is self-explanatory.

**Policy and Management Plan Implications**

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

**Conclusion**

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

***Moved Crs. Whitfield and Thompson that the recommendation be adopted.***

**CARRIED**

**14. QUESTIONS WITHOUT NOTICE****Cr. Wakefield**

1. Enquired as to whether there is a slashing program on roads. He indicated that due to the recent rains weeds are growing profusely on road verges and need to be removed.

**Cr. Whitfield**

1. Enquired as to why the bunting at the Gol Gol bridge was still in place and when will it be removed.  
*(The director Infrastructure & Assets advised that the bunting is not able to be removed until the RTA have completed their works).*

**Cr Thompson**

1. Enquired as to when his request of November 2008 to consider Day Care facilities will be submitted to Council.  
*(The General Manager advised that a Council report has been scheduled to be submitted for consideration at the August meeting of Council).*

**Cr Wheeldon**

1. Requested road leading to Wentworth tip be slashed as some residents are dumping rubbish in the high growth.
2. Advised that there had been a spate of graffiti incidents of late especially on the bridge over the Darling River and the RTA need to be contacted urgently seeking the removal of the graffiti. Councillor McKinnon advised that graffiti on the Dareton public toilets in the main street has been there for quite some time and needed to be removed.  
*(The Director Development & Environment advised that Council now has a Graffiti Policy which requires reporting to the police and receiving a Police Event Number and then the removal of the graffiti can be undertaken by Council staff).*

Director Development & Environment

1. Advised that nominations are required from persons interested and qualified to sit on the West Region Joint Regional Planning Panel and are required before 30 June. The Director will investigate whether a Council Officer can be nominated.

Cr. Wakefield

1. Enquired as to whether Council received emergency funding for the storm damaged roads north of Wentworth in March 2009.  
*(The Director Infrastructure & Assets advised Council's request for funding was turned down).*

Cr. Hederics

1. Enquired as to whether Council staff grade roads after rain.  
*(The General Manager advised that this is undertaken where possible and takes into consideration the number of staff and plant available).*

**15. NEXT MEETING**

- 15 July 2009

**16. CONFIDENTIAL REPORTS****16.1 Lease the Old Wentworth Gaol**

Responsible Officer:	General Manager
Author:	Property Management Officer
Implications:	Nil
File Reference:	C14/1-3
Attachments:	Nil
Separately Circ.:	Financial and Tourist Numbers Information
Tabled:	Nil

**Recommendation**

That Council as Trustees of Reserve 85572 Old Wentworth Gaol enters into a three year lease agreement with the current occupant at a monthly fee of \$500.

**Purpose**

The purpose of this report is to provide sufficient information to enable a considered decision to be made regarding lease payments for the Old Wentworth Gaol.

**Report**

16 July 2008 the following Council resolved to enter into a three year agreement with the current lessees of Reserve 85572 Old Wentworth Gaol.

The lessee of the Gaol has been paying the same monthly fee since that resolution and has requested a three year lease be entered into with the payment to remain at that figure for the duration of the lease.

The lessee has provided a Profit and Loss Statement from July 2008 to March 2009 and graphs of tourist numbers and takings. The information indicates that the tourist numbers and income continue to decline.

If Council wishes to detailed contractual arrangements then it is appropriate to go into Closed Council along the following lines.

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

Based on the decision of Council a further report may be required.

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

Proposal is to maintain current income for this reserve.

### **Conclusion**

The current lessees of the Old Wentworth Gaol are committed to the long term future of the Gaol and are seeking to retain the lease.

### **Moved Councillors Wakefield and Whitfield:-**

- a) **That Council resolves to go into closed council to consider the lease of the Old Wentworth Gaol, as it contains personal matters relating to a contract between proprietors of the Old Wentworth Gaol and Wentworth Shire Council.**
- 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) 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.**

**CARRIED**

### **16.2 Buronga Landfill Licence and Contract**

Responsible Officer:	Director Infrastructure & Assets
Author:	Director Infrastructure & Assets
Implications:	The way forward for the Buronga landfill
File Reference:	W1/4-2
Attachments:	Nil
Separately Circ.:	Letter to DoE, Email from Transpacific, Letter from EPA,
Tabled:	Nil

### **Recommendation**

- (i) That Council selects and/or amends an option as tabled in Attachment 4.0 as a way forward.
- (ii) That Council considers inviting the incumbent contractor, Transpacific Industries Group to conduct a presentation to the July 2009, Councillor Workshop.

**Purpose**

This report details the present state of affairs with respect to the Buronga Landfill and lists tabulated options as a potential way forward to negotiate with the incumbent contractor. Confidentiality is required to ensure that any negotiated items will not be prejudiced against the Council nor biased in favour of a contractor if re-tendering of the existing contract is required.

**Report**

The report in relation to the lease of the Buronga Landfill Licence and Contract has been separately circulated.

**Moved Councillors Wakefield and Whitfield:-**

- a) That Council resolves to go into closed council to consider Buronga Landfill Licence and Contract, as it is not in the public interest to reveal the details of matters relating to the licence and contract of the Buronga Landfill.
- 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) 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.

**CARRIED**

**16.3 Contractual Arrangements for Senior Staff**

Responsible Officer:	General Manager
Author:	General Manager
Implications:	Operations
File Reference:	T76
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Details of Standard Contract

**Recommendation**

That Council notes the report on contractual arrangements for senior staff in accordance with section 339 of the Local Government Act 1993.

**Purpose**

To advertise of senior staff contractual arrangements.

**Report**

The General Manager is the only staff member that fall under the senior staff category as defined by the Local Government Department.

The General Manager's contractual arrangements have not altered since his appointment in April 2007. His contract is a standard one produced by the Local Government Department.

If Councillors wish to discuss particular details of this report the following procedure needs to be pursued.

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

This report complies with the reporting requirements of section 339 of the Local Government Act 1993.

### **Conclusion**

Nil.

### **Moved Councillors Wakefield and Whitfield:-**

- a) That Council resolves to go into closed council to consider Contractual Arrangements for Senior Staff, as it is not in the public interest to know details of the Senior Staff contractual arrangements.
- 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)(a) 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.

**CARRIED**

### **Closed Council**

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

**CARRIED**

At 11.45am the public and media left the chamber. No comments from the public about Council going into Closed council.

### **Open Council**

Council went into open Council at 12.22pm.

*Moved Crs. Wheeldon and Thompson that the recommendations that came out of confidential be adopted, being:-*

*That Council as Trustees of Reserve 85572 Old Wentworth Gaol enters into a three year lease agreement with the current occupant at a monthly fee of \$500.*

*That Council pursues licensing options with Buronga landfill and invite the incumbent landfill contractor to attend a meeting of Council.*

*That Council notes the report on contractual arrangements for senior staff in accordance with section 339 of the Local Government Act 1993.*

**CARRIED**

There being no further business the meeting concluded at 12.40pm.