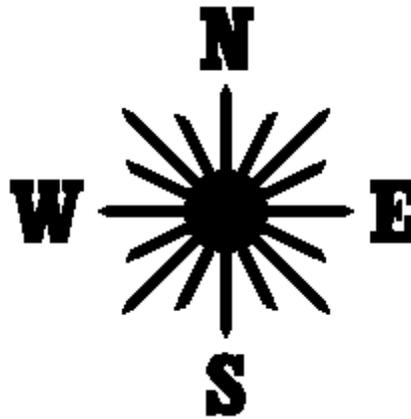


Mission Statement

To promote the Central Darling Shire area by encouraging development through effective leadership, community involvement and facilitation of services

CENTRAL DARLING



SHIRE COUNCIL

Agenda

For the Ordinary Meeting

Tuesday 15th April 2014 at 9:00am

In the Council Chambers

Wilcannia

Council dedicated to serving its Communities

Any public discussion of Council or Committee reports and recommendations is on the basis that such reports or recommendations do not have effect until adopted by a full meeting of Council.

The Ordinary Meeting of Council will be held in the Council Chambers, Wilcannia on Tuesday 15th April 2014 commencing at 9:00am.

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SECTION 1. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

RECOMMENDATION

That the Disclosures of Interest – Pecuniary and Non Pecuniary be received and noted.

SECTION 2. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC

Council's policy in regards to public access to Council Meetings states:

- Each member of the public who wishes to address Council is to register with Management prior to the commencement of the meeting, listing their name and the general topic or topics they wish to raise. Those who register will have precedence.
- All matters raised by members of the public must be of relevance to an item within this agenda and/or relate to the policy making/strategic functions of Council i.e. operational matters are not matters addressed at Council Meeting.
- Each address will be limited to five (5) minutes at the discretion of the Chair.
- All matters raised by members of the public will be recorded and actioned within one month of the meeting.

Note: Comments/Statements made at Council Meetings are not subject to Parliamentary Privilege.

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Council held on the 11th March 2014, be taken as read and confirmed as a correct record of the proceedings of the meeting.

3.1 BUSINESS ARISING FROM MINUTES

SECTION 4. ADMINISTRATOR MINUTE REPORT

Period of Suspension

I flagged in my March report that I had recommended an extension of the Council's suspension for a further three month period to allow further development and consolidation of the work required in the recovery plan for the Shire Council.

On Friday 21 March 2014 the Minister for Local Government, the Hon Don Page MP, officially extended the suspension until the end of June 2014. The extension was granted to specifically permit:

- the implementation of the recommendations in the external financial review report conducted by RSM Bird Cameron;
- the implementation, by the Interim General Manager, of the new organizational structure;
- the development and adoption of the a financially responsible budget and operating plan for 2014/2015;
- the continuation of negotiations for the outsourcing of the financial management functions of the Council;
- the further review of other resource sharing and outsourcing options;
- the development of a detailed post-suspension implementation plan; and
- the recruitment of a permanent General Manager.

Progress Towards Recovery

The framework for the development of the 2014/2015 Budget and Operating Plan is under development and external assistance has been secured in the area of financial management to provide support for this task. The co-operation of the Council staff in being vigilant on costs and accepting of temporary cost cutting measures has been excellent and is appreciated. The community, too, has been largely accepting of the measures undertaken.

At the time of writing, the final report from RSM Bird Cameron on the finances of the Council has not been released. Notwithstanding that, staff are aware of the major findings and are incorporating those matters into the development of the budget.

Expressions of interest have been called for the recruitment process for a permanent General Manager. That matter is reported separately within this agenda and the advertising of the position will commence shortly.

The revised corporate structure is also under development and will require extensive consultation with staff, unions and other stakeholders. A strategic approach to managing the implications for the organization and its staff is also being developed and staff will be fully consulted before any further public announcements are made.

Independent Local Government Review Panel Report

The Council's submission has been finalized and is reported separately within this agenda. It was submitted prior to the deadline for submissions.

Post Suspension Implementation Plan

A good many changes to the way the Council organization operates will be made during the six month period of Administration. However, many of the changes will require a longer period of time in order to be fully implemented and therefore a post suspension plan will be developed to guide

the returning councilors for the shorter term future. As the conclusion of the Administration period approaches, the plan will be finalized and communicated.

RECOMMENDATION

That the information contained in the Administrator's Minute be noted.

SECTION 5. DETERMINATION REPORTS

5.1 FIXATION OF COMMON SEAL

Summary

The purpose of this report is to seek Council approval to fix the Common Seal to the 2014 and 2015 Sealing Contract documentation.

Commentary

Council at its' March 2014 Meeting resolved to appoint Downer EDI as Councils' Sealing Contractor for 2014 and 2015. The contract documentation has been forwarded to the Contractor for completion: following completion by the Contractor it will necessary for the Council Seal to be fixed to enable finalisation of documentation.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

The fixation of the seal will legally bind Council to the Sealing Tender contact.

(d) Community Consultation

Nil.

RECOMMENDATION

That Council approve the completion of documentation relating to the Sealing Contract 2014 and 2015 under the Common Seal of Council.

5.2 TRANSFER OF LAND (RESERVE 1007445)

Summary

The purpose of this report is to advise of the request received for the transfer of part of a Reserve for which Council is the Reserve Trust. Approval to progress the request will be required from Council.

Commentary

Discussions commenced with Council in 2013 regarding a proposal from the NSW State Government to upgrade the existing Pre School and Long Day Care Centre in Hood Street, Wilcannia (adjacent to Reserve 1007445 – Burke Oval). Communications at that time indicated that Council did not see any significant issues with the proposed transfer.

To enable the proposed upgrade to be achieved an additional 13 metres along the north west boundary of the site and 5 metres along the north east boundary of the site is required i.e. from Reserve 1007445.

The area of land sought for transfer is not currently actively used as part of the Reserve. However, Council Engineering staff have advised that some Council infrastructure are located in that area. This

will need to be addressed at the cost of the “applicant” should the matter proceed. It is proposed that Council agree to the transfer on the basis that associated costs are met by the State Government and / or others.

(a) Policy Implications

No specific policy implications are involved.

(b) Financial Implications

The costs for the proposed land transfer will not be a cost for council.

(c) Legal Implications

Formal transfer of the land from Council as Reserve Trust will be required; that process will be undertaken through NSW Government Agencies.

(d) Community Consultation

Any necessary consultation will need to be arranged as part of land transfer processes. As Reserve Trust council manages the land; the resultant transfer and proposed upgrade project will enhance the area and its’ usage.

RECOMMENDATION

That Council as Reserve Trust endorse the progression of the transfer of land outlined in this report (relating to Reserve 1007445 – Burke Oval) subject to the transfer costs and any council infrastructure issues being dealt with to the satisfaction of Council. Further that Council authorise completion of any necessary processes associated with that transfer (including the completion of documents under the Common Seal of Council).

5.3 COMMUNITY TRANSPORT SERVICE ARRANGEMENTS/ CONTRACT

Summary

The purpose of this report is to update Council on the status of discussions and proposed actions in relation to the Community Transport Service/ Program being conducted by Council.

Commentary

Council currently undertakes Community Access Transport for communities within the Shire. The funding and operation of that program is via a variety of contracts, arrangements, and provision of vehicles/ drivers. The commercial viability of these services have been raised as part of the Minister/ Office of Local Government “reviews” of council operations. In addition, due to council current financial circumstances it is prudent that a review of this (and other programs) be undertaken.

In that regard discussions have been initiated with representatives from Transport NSW in regard to council contract obligations, funding that has previously been provided to council in respect to the purchase of transport vehicles, and also the process of program review that council will need to undertake. In that regard a commitment has been given to maintain ongoing communications with the Department in regard to the delivery of current services and the council program review.

It has been stated clearly by Transport NSW that should council determine not to continue operation of the community access services in the future it will be their desire to establish service provision arrangements with other organizations i.e. they will be aiming to continue the service through either council or another provider(s).

It is proposed that, subject to council concurrence, the content of current documentation/ arrangements/ contract obligations/ funding of the community transport program be reviewed and further communications undertaken with the Transport NSW (and other stakeholders) to assess the future capacity of council to continue the service(s).

(a) Policy Implications

Nil at this time.

(b) Financial Implications

Nil at this time; however, the future operation of the community transport program by council will involve assessment of financial viability.

(c) Legal Implications

As part of the review council contract obligations will need to be considered.

(d) Community Consultation

The Community Access Transport arrangements are important to the Central Darling Shire community. Discussions with Transport NSW and other stakeholders will include issues around the best way to ensure sustainability of the services. At some stage in the process of review, communications will need to be provided to the community/ users.

RECOMMENDATION

That Council note the information in this report and endorse the proposed review of issues/factors/arrangements involved in the delivery of community access transport within the Council area.

5.4 ORGANISATION STRUCTURE

ATTACHMENT 1

Summary

The purpose of this report is to provide Council with information on the status of the existing organisation structure, issues relating to the structure, and a proposed course of action.

Commentary

The notice from the Minister for Local Government in relation to the current Suspension of Councillors referred to the lack of finance/ budget scrutiny as being part of the suspension decision; in addition, observations made since commencing in the position of Acting General Manager have indicated that the council organisation has lacked clear strategic direction, leadership and focus on utilising consistent and defined systems and processes. The high turnover of staff (particular senior staff), the diverse range of functions, and the spread of personnel throughout a range of office and other buildings have all contributed to a lack of integration, understanding and ongoing

development of skills across the organisation. It is also apparent that there has been an increased range of “community service” activities that have been taken on by council in recent years. This has resulted in ad hoc additions to staffing positions within the organisation. With the lack of strategic direction and a consistency of management/ supervisory functions there are a number of staff who have been left to “create their own position” rather than having the position created to target an organisational outcome and/or integrate with other sections of the council. There is a level of expertise, skill and knowledge within current staff that can be a strong positive for the future, provided leadership and direction can be established and maintained.

Accordingly, there is a pressing need for the appointment of a permanent General Manager and for an organisation structure review to be undertaken with a focus on outcomes that need to be achieved by Central Darling Shire Council (for the community).

The current organisation structure (adopted by Council in October 2013) involves three management or functional areas reporting to the General Manager i.e. Corporate and Community Services, Environmental Services, Technical and Engineering Services.

The Corporate and Community Services area has been where most of the additional “community service” activities have been allocated. This is also the area where there has not been permanent leadership for a considerable period of time. It is also the area that needs to be responsible for the important areas of financial processing and the control of governance systems and processes.

The Environmental Services Group is the smallest area in so far as staff numbers and has a number of positions under the existing structure that are unfilled (and have been for some time).

The Technical and Engineering Services Section has been the more stable section from a staffing perspective in recent years.

It is considered that the approach to Councils’ organisation structure review/ implementation should be looked at strategically and undertaken with recognition of the councils’ current financial position, the issues that have had most impact on the council suspension, and that to fully implement changes may take some time as council aims to re-establish its’ financial position. In that regard there will be various considerations and decisions made by council in coming months relating to future service provision, service levels and program activities.

Given the above the organisation structure attached is recommended to council for the following reasons:

- the adoption of an organization structure with two Directorate areas will enable the consolidation of functions into like areas i.e. Shire Services (core services) and Business Services (governance, finance, commercial, community services); this will provide opportunities to share staffing within the like areas and to better coordinate actions necessary in those functional areas
- the proposed structure links to the adopted Community Strategic Plan/ Delivery Program outcomes (although those will need to be reviewed/ modified based on councils’ future capacities)

- effective leadership in the key areas of finance/ governance/ corporate services and the provision of core services is essential for the organization to function appropriately; this will provide a response to concerns raised through the Minister for Local Government in the Council Suspension and associated processes
- the proposed structure should assist the appointment of personnel with the necessary skills to lead and consolidate the strategic direction of the organization
- the proposed structure will provide for the resourcing of the functional activities under each Directorate via a staged process (based on available and allocated resources/ future service provision decisions, etc) and will also provide more direct accountabilities. In addition, the opportunity will be available to “combine” and/ or establish positions that can fit available skill capacities

To enable the organization structure issue to progress as outlined the initial focus will be on the appointment of the positions of General Manager (subject to a separate information report to this meeting) and the Director Shire Services and Director Business Services.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

The outcome of the organisation structure review has not been costed as it is proposed to undertake the implementation in stages but with the view of decreasing overall staff costs. However, the proposed reduction in functional areas will have some savings.

(c) Legal Implications

There are award requirements in regard to consultation with staff and unions relating to workplace change i.e. once council has made a definite decision to introduce major changes that are likely to have significant effects on employees, then there is an obligation to notify employees and unions. Whilst it is not known at this time whether changes will significantly affect employees, it is proposed to follow the award intent and communicate proposed changes to the unions and staff as often as possible.

In that regard a staff meeting was held in March 2014 to provide them with an overview of the current situation and that changes would need to be considered. In addition, initial Contact has been made with the United Services Union in Hay to advise that an organisational review is pending and that further advice will be provided to them.

(d) Community Consultations

No direct consultation with the community is required in respect to the organisation structure. However, in Operational Plan/ Delivery Program processes the proposed resource allocations for staffing across the organisation will be included. Those Plans are subject to public exhibition.

RECOMMENDATION

That Council approve the adoption of the Organization Structure outlined in this report. Further that Council confirm its' intent to communicate changes resulting from the structure to employees and union representatives and that the implementation of the organization structure be undertaken via various stages taking into account financial and other relevant factors.

5.5 ASBESTOS POLICY

Summary

The purpose of this report is to put forward an Asbestos Policy for adoption by Council. The aim of the Policy is to establish defined roles/ responsibilities/ processes for dealing with Asbestos related matters in the Council area.

Commentary

In November 2013 a draft Asbestos Policy was considered by Council and it was resolved to place the draft document on public exhibition and provide a further report to council following the exhibition period.

The draft Asbestos Policy was placed on public exhibition (with a final exhibition date of 15 February 2014). No submissions were received as a result of the public exhibition.

The Policy is now presented to Council for adoption.

(a) Policy Implications

This is a new policy document which has been developed and been publicly exhibited.

(b) Financial Implications

No direct financial implications are created by the policy. Asbestos matters that need to be dealt with in accordance with the policy may in future require financial allocations.

(c) Legal Implications

Council has responsibilities in response to the management of asbestos matters within the Shire area. This policy outlines the roles and responsibilities of council in managing asbestos matters.

(d) Community Consultations

The initial draft policy was placed on public exhibition with no submissions received.

RECOMMENDATION

That Council adopt the Asbestos Policy 2013.

5.6 TRANSFER OF COUNCIL LAND- HOOD STREET

Summary

The purpose of this report is to advise of the request received for the transfer of council land and seek Council approval to progress the matter.

Commentary

Correspondence has been received from the Wilcannia Community Working Party seeking the

transfer of land at 103 Hood Street (lot 1 923976) to Maari Ma Health Aboriginal Corporation for purposes of the proposed Wilcannia Early Childhood and Belonging Hub (WECBH). The WECBH project has been subject of previous discussions/ considerations by the Wilcannia Community Working Party. At the Working Party meeting held on 20 March 2014 advice was provided that the project is being progressed as a Federal and State Government initiative. It is also possible that the project may be undertaken in conjunction with the existing preschool also in Hood Street.

Regardless of the location of the siting of the WECBH project it is understood that Maari Ma would still be interested in Council lot 1 923976 in order to consolidate their land holdings i.e. with adjacent lots already owned by Maari Ma.

In order to progress this matter it is proposed to enter in discussions with the relevant government agencies and Maari Ma with a view to preparing a proposed arrangement for transfer of the land for consideration by Council. It is understood that government decisions relating to the WECBH are likely to progress in the near future; accordingly, establishing a position to negotiate the use of the council land would be appropriate.

The aim of discussions/ negotiations would be to ensure that the land will be appropriately utilised, appropriate value will be received for the land, and that Councils' land portfolio is improved.

(a) Policy Implications

No specific policy implications are involved, however, the development of the site for the proposed WECBH or other purpose can result in significant community benefits.

(b) Financial Implications

The potential transfer of the land may result in some rate income for council as well as sale income from the property transfer. That potential will be explored as part of the proposed negotiations.

(c) Legal Implications

Nil at this time.

(d) Community Consultation

The project involved with the possible land transfer has been part of considerations/ discussions at the Wilcannia Community Working Party.

RECOMMENDATION

That Council endorse the progression of discussions with government agencies and Maari Ma Health Aboriginal Corporation in relation to the potential transfer/sale of land in Hood Street, Wilcannia.

5.7 COUNCIL MEETINGS –PUBLIC ACCESS POLICY

Summary

The purpose of this report is to update the existing “Public Access to Council Meetings” Policy.

Commentary

The current policy on this matter was adopted December 2009. It appears that past application of the policy has varied over time and in recent times the public access session has been used to raise operational matters (which should be addressed to the General Manager outside of Council Meetings). The proposed update of the policy will clarify the principles and intent of the policy and also assist compliance with the role of council meetings.

‘The proposed changes to the existing policy are in the PRINCIPLES / BODY section. That section currently reads:

Public access to meetings of the Central Darling Shire Council are to be listed on the agenda following the Mayoral Minute

Each member of the public who wishes to address Council is to register with the Management prior to the commencement of the meeting, listing their name and the general topic or topics they wish to raise. Those that register will have precedence

Each address will be limited to five (5) minutes at the discretion of the Chair

All matters raised by members of the public will be recorded and actioned within one month of the meeting’.

The proposed amendment will replace that section with the following:

- Public Access to monthly meetings of Council will be listed as an agenda item
- Each member of the public who wishes to address Council is to register with Management prior to commencement of the meeting; this registration will involve the completion of a “registration form” made available by council staff. The registration form will require the proposed topic or topics in public access to be stated
- Each address will be limited to five (5) minutes, at the discretion of the Chair
- All matters raised in public access will be recorded with a response provided at the meeting or in writing within one month of the meeting date

Note: the registration form provided by council will indicate that only policy making and strategic matters will be permitted in public access; operational matters should be addressed/ raised separately with the General Manager. In addition, the registration form will state that statements made at council meetings are not subject to parliamentary privilege.

(a) Policy Implications

The recommendation, if approved, will result in amendments to the existing policy.

(b) Financial Implications

Nil

(c) Legal Implications

No legal matters are impacted by the policy change.

(d) Community Consultation

The update of the policy will continue the opportunity for the community to have input at Council Meetings (on issues on the agenda and/ or items that are of a policy making or strategic nature).

RECOMMENDATION

That Council approve the amendments to the Public Access to Council Meetings Policy as outlined in this report.

5.8 LEASE OF 37 REID STREET, WILCANNIA

Summary

This report provides information on the proposal to let 37 Reid Street, Wilcannia.

Commentary

Council has been approached with a view to providing a short term lease to Save the Children for (expanded) office space in Wilcannia. This follows a delay to the planned purchase of 9 Byrnes Street. As 37 Reid Street is vacant it is proposed that the building offers an ideal alternative.

Policy implications – Nil

Financial implications – Positive, in that the agreed rental is \$7,500.

Social implications – Positive. Save the Children has been seeking larger facilities for some time in order to expand their operations in Wilcannia.

RECOMMENDATION

That Council agree to lease 37 Reid Street to Save the Children for an initial period of six (6) months for an agreed rental of \$7,500 (\$1,250 pm) payable monthly in advance. One (1) months rental is payable as a bond on signing of the lease.

5.9 TERMINATION OF PERMISSIVE OCCUPANCY

ATTACHMENT 2

Summary

This report refers to the termination of a permissive occupancy and the necessitated write-off of rates this requires.

Commentary

On 17th January 2014 Council was notified by the LPI that Permissive Occupancy 164114 had been terminated (see attachment) due the holder having passed away some years ago. The PO related to assessment 995-632. Efforts by the LPI and Council over the years to find relatives of the deceased have proved fruitless and as such the LPI made the decision to terminate the license. This will

require Council to write-off \$9,530.25 in rates, charges and interest as dissected in the following table:

General Rates	2,327.42
Special Rates	242.84
Water Service Charge	5,844.62
Garbage	179.46
Excess Water	651.80
Charge on Land	284.11
TOTAL	\$9,530.25

Policy Implications – Nil

Financial implications – As the amount is provided for in the Provision for Doubtful Debts the write-off will have no impact on this year’s result.

Social implications – Nil

RECOMMENDATION

That Council agree to the writing off of the rates as set out in the body of this report.

5.10 WRITE-OFF OF RATES AND CHARGES POLICY

Summary

This report recommends Council adopt a Policy regarding the write-off of rates and charges, specifically including the amount(s) able to be written off under delegated authority to the General Manager.

Commentary

Regulation 131 of the Local Government (General) Regulation 2005 states that *‘the council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the council’*. The suggested policy objective and wording is set out below.

Policy Objective

To determine the limit of write-off authority in accordance with the provisions of the Local Government (General) Regulation 2005.

Policy Wording

- (1) All rates and charges to be written-off must be allowable under the Local Government Act 1993.
- (2) This policy must at all times be applied in terms of procedure as indicated in Clause 131 of the Local Government (General) Regulation 2005.
- (3) Council delegate to the General Manager the authority to write off rates and charges that are no greater than \$3,000.00.

- (4) Any rates or charges to be written-off that are greater than \$3,000.00 be written-off only if authorised by a resolution of Council. Council can also write-off rates and charges less than \$3,000.00 by way of resolution if the General Manager's delegated authority is not used.
- (5) A report be provided annually to Council outlining rates and charges written-off under delegated authority by the General Manager only if there are actual rates and charges written-off under the delegated authority.
- (6) This policy relates only to rates and charges owed to Council that are not other forms of debt. Rates and charges are defined to include all general land rates, all water charges, all sewerage charges, all waste charges, all stormwater management charges and interest on rates and charges whether incurred or accrued.

Council reserves to right to review, vary and / or revoke this policy from time to time.

RECOMMENDATION

That Council adopt the Write-off of Rates and Charges Policy.

5.11 SURRENDER OF WESTERN LANDS LEASE

Summary

This report refers to the surrender of Western Lands Lease 8339 and the appointment of Central Darling Shire Council as the trust managers of the land currently occupied by the Ivanhoe Golf Club.

Commentary

Discussions have taken place over the last two years regarding the financial difficulties faced by the Ivanhoe Gold Club and any assistance Council could offer. Apart from Council rates and charges, the primary (and quite considerable) expense the Club is faced with is that of Public Liability insurance. With no playing members (and if fact few members at all) the insurance has been paid by a local station owner as have the rates up to and including 2011-12 rates when these discussions commenced.

On 20th March 2014 Council was contacted by Crown Lands with a view to the reservation of this land for '*Community and Sporting Club Facilities*' and for the Council to be appointed trust managers. A decision to agree with this request and proceed would entail writing-off \$1,286.62 of rates and charges, a total which includes \$36.62 interest with the balance being general and special rates.

Policy Implications – Nil. (Note: This decision *may* entice others who lease Crown Land for sport to turn to the Council for help. Indeed there are two recent cases where Council has supported similar applications – the White Cliffs Gymkhana Club and the Menindee Gun Club. Further requests must and will be dealt with individually, meaning as such that there are no generic policy implications.)

Financial Implications – (1) As the amount scheduled to be written-off is fully provided for in the provision for doubtful debts there will be no impact on this year's results. (2) Adding the Golf Club land to Council's register will have a minimal impact on Council's own Public Liability (and Property) insurances.

Social Implications – It is perhaps and sadly inevitable that this situation has occurred due to the dwindling population of small outback towns, however by agreeing to take on the role as trust manager of this land – and agreeing to the trust being named the Ivanhoe Golf Club Trust – locals, particularly those with long standing ties to the club, will see Council offering a sense of continuity to their community.

RECOMMENDATION

- *That Council agree to write-off the rates due as outlined in the body of this report.*
- *That Council agree to be the Trust Managers of the land currently occupied by the Ivanhoe Gold Club.*
- *That Council agree to the trust being named the Ivanhoe Golf Club Trust*

5.12 REQUEST TO VARY CROWN RESERVE

ATTACHMENT 3

Summary

This report details a request to Council to allow the transfer of land in Menindee.

Commentary

Council was recently contacted by the Menindee Children’s Centre with a view to transferring a small section (30m x 12m) of Bourke and Wills Park in Menindee (Crown Reserve 82962, CDSC as trustee) in order to expand the Centres existing landholding (Crown Reserve 230014). See attachment.

The Children’s Centre has received a DEC Infrastructure Grant and are in the process of getting a professional landscaper to upgrade their existing facility. Adding this small parcel will offer the children a significant increase in learning area, which would be landscaped to include a mound, raised garden beds and vegetable gardens. The project would tidy up an otherwise neglected area of the Park which is currently not in use and is covered in weeds.

The Children’s Centre has approached the LPI who have offered preliminary approval based on the qualifications (1) that no structures will be built on the land and (2) that Central Darling Shire Council approve the transfer. Discussions took place between Council (Leeanne Ryan) and the Children’s Centre where the opinion was expressed that there would not seem to be any reason why Council would not agree with the proposal.

Policy Implications – Nil

Financial Implications – Nil – the cost of any infrastructure needs (eg water connection) will be met by the Menindee Children’s Centre.

Social Implications – Positive, in that the project will not only help beautify and maintain a part of Bourke and Wills Park it will improve facilities for children in Menindee.

RECOMMENDATION

That Council as Trustees of Crown Reserve 82962 agree to the transfer of a section of Bourke and Wills Park as set out in the body of this report to the Menindee Children's Centre.

SECTION 6. INFORMATION REPORTS

6.1 INFORMATIONS ITEMS

6.1.1 SUBMISSIONS ON PANEL AND TASKFORCE FINAL REPORTS ATTACHMENT 4

The Minister for Local Government previously extended the deadline for receipt of public submissions on the Independent Local Government Review panel and Local Government Acts Taskforce final reports.

The new closing date for submissions was Friday 4th April 2014.

Council has forwarded a submission on this matter and it is referred to in the Administrators' Report & copy of the submission is attached to the agenda.

6.1.2 SUSPENSION OF COUNCILLORS-EXTENSION BY MINISTER

Notice has been placed in the Government Gazette (21 March 2014) advising that the period of suspension of councillors has been extended by a period of three months i.e. until 21 June 2014.

Information in relation to that extension, a progress report from the Administrator and the assessment of that report by the Minister are available on the NSW Department of Local Government website.

6.1.3 RECRUITMENT OF A GENERAL MANAGER

An Expressions of Interest document, inviting Expressions of Interest from known local government recruitment specialists, was forwarded on 17 March 2014 in relation to the recruitment process for a General Manager. A closing date of 4 April 2014 was provided for the Expressions of Interest.

Council has the option of undertaking the recruitment "internally" via its' own resources or to utilise a specialist recruitment service.

The significance and importance of undertaking a thorough and effective recruitment process for the General Manager position is crucial as the future direction and leadership of Council is at stake. In addition, the recruitment process needs to be undertaken as soon as possible as it is an important phase in establishing the future sustainability of councils' operations.

Responses were received from the recruitment specialist agencies listed below (on a Commercial in Confidence basis):

Note: Each agency will require a recruitment fee with advertising costs (to be agreed by council), interview costs, travel costs, reference checking costs, etc to be borne by council. It is estimated that these costs would be in the order of \$12,000 to \$15,000 i.e. in addition to the respective recruitment fees.

John Kleem Consulting- unable to submit a proposal due to other commitments

LOGO Appointments- recruitment cost based on percentage cost of salary component of GM position.

McArthur Recruitment- a set fee submitted

LG Management Solutions- a set fee submitted with a condition that Council utilize LGNSW in relation to the performance reviews of the General Manager over the next two years

Blackadder and Associates – no response received

As indicated earlier in this report the expressions of interest for the general manager recruitment were sought from agencies that are familiar with the NSW local government recruitment and resource market.

The agencies that submitted their interest are all experienced in professional recruitment processes.

Although considerable expenditure will be required to undertake the recruitment of a General Manager by external resources, the significance of the activity and the need to ensure that the best possible recruitment process is utilised, justifies the use of such funds.

Following assessment of the various proposals, the proposal from LG Management Solutions (based on the most competitive fee) has been accepted with the recruitment process timeframe of 8 weeks. In that respect it is anticipated that advertisements will be placed by mid April and an appointment by early June 2014.

6.1.4 ENVIRONMENTAL SERVICES STATISTICS

Following is a statistical summary of legislative activities undertaken by Environmental Services during February 2014 and March 2014:

<u>Statistics for February 2014</u>	
Number DA'S Approved	1
Total Value of DA's approved	NA
Food Premises Inspected	Nil
Animal Control Activities	Impounded = 22, Rehomed = 17, Returned to Owner = 1, Euthanized = 0, 4 Held Pending Court Case Registrations = 0, Microchipped = 0, Penalty Notices Issued = 7
Water Sampling	Microbiology Samples Collected = 6 Chemistry Samples Collected = 0 Disinfection By Products = 0 Non-compliant Samples = 0

<u>Statistics for March 2014</u>	
Number DA'S Approved	1
Total Value of DA's approved	\$20,000
Food Premises Inspected	Nil
Animal Control Activities	Impounded = , Rehomed = , Returned to Owner = , Euthanized = Registrations = , Microchipped = 0, Penalty Notices Issued = 0
Water Sampling	Microbiology Samples Collected = Chemistry Samples Collected = 0 Disinfection By Products = 0 Non-compliant Samples =

6.1.5 ROAD GRADING PROGRAM

ATTACHMENT 5

The Maintenance Grading Program has been included in the April report to enable Council to follow proposed works throughout the Shire.

Any changes will be presented on a monthly basis

6.1.6 REMOTE COMMUNITIES WATER AND SEWER PROJET – CIVIL WORKS

Council awarded the contract to PFC Construction Pty Ltd on 26th March 2014 after receiving favourable financial and technical assessments. Council, as Principal, held the Pre-Start meeting on Wednesday 2nd April 2014. The Projects Engineer and Manager Technical and Engineering Services met with Contractors representatives. Discussions included contractual matters, technical and design issues, program of works, document submission requirements and a construction access approval. It is expected minor outstanding matters will be resolved to enable works to commence late April.

6.1.7 WATER RESTRICTIONS

Water Restrictions in Wilcannia were lifted Monday 31st March 2014. This was due to rise in river level height enabling water to flow over the Wilcannia weir. In accordance with usual practice and a replenished weir pool restrictions have been lifted.

Water Restrictions in White Cliffs have been elevated to level 3 on Monday 31st March 2014. This was due to continually receding water levels in the above ground catchment tanks and unexpected high demand for water in recent weeks.

Staff will continue to monitor water supplies and update restrictions according to Councils Drought Management plan.

6.1.8 ROADS REPORT

Summary

The purpose of this report is to update Council on the current status of the 2013/2014 Roads section of the Engineering Department.

Council currently has one grading crew operating within the shire on the Cobb Highway to complete RMS Ordered Works prior to sealing.

Commentary

State Roads:

- 2013/2014 RMCC works estimated budget for Routine Maintenance Works on both highways is \$533,000. Expenditure below is to the end of 3rd Quarter (July – March)
- 9 Works Orders received this financial year to date, 4 completed.
- SH21 Capital Works 2013/14 will be completed by Road Services, Broken Hill

	Original Budget	Expended	% Expended
RMCC (Routine Works)	\$533,000	\$507,207	95%
RMCC (Ordered Works)	\$1,154,821	\$920,223	80%

Regional Roads:

- 2013/14 Regional Road Block Grant including traffic and supplementary components is \$2,498,000.
- Roads to Recovery (R2R 2013/14) portion of \$353,770 has been allocated to Yampoola Crossing Upgrade Works, MR68C Pooncarie Rd

	Original Budget	Expended	% Expended
Regional Road Block Grant	\$2,498,000	\$1,794,082	72%
MR68C Yampoola Crossing (R2R 13/14)	\$353,770	\$244,403	69%

Local Roads:

- 2013/14 Local Roads Component (FAG) is \$1,468,139.
- Roads to Recovery (R2R 2012/13) allocation of \$703,770 for SR1 Tilpa East Rd works are in progress

- Roads to Recovery (R2R 2013/14) portion of \$350,000 has been allocated to SR3 Tongo Rd Flood Mitigation Works

	Original Budget	Expended	% Expended
Local Roads Component (FAG)	\$1,468,139	\$949,644	65%
SR1 Bridges (R2R 12/13)	\$703,770	\$730,030	104%
SR3 Flood Mitigation Works (R2R 13/14)	\$350,000	\$131,688	38%

6.1.9 SERVICES REPORT

Summary

The purpose of this report is to update Council on the services expenditure to date.

Commentary

Town Maintenance:

- General routine inspections and maintenance
- The table below references Parks and Gardens which include mowing, buildings and toilets. The Ancillary Works include Kerb and Gutter, Footpaths, Trees, Signs and Street lighting.

	Original Budget	Expended	% Expended
Parks & Gardens/ Sporting Facilities	\$241,600	\$126,848	53%
Ancillary Works	\$125,800	\$101,102	80%
Street Cleaning/ Bins	\$144,800	\$97,339	67%
Aerodromes	\$93,269	\$40,954	44%
Public Conveniences	\$37,250	\$34,347	92%

Water & Sewerage Maintenance:

- Wilcannia town water supply is currently being sourced from the Darling River Weir pool. Recent rise in river level height has replenished weir pool. Water restrictions lifted
- White Cliffs town water supply is sourced from ground tanks current levels: Tank 1 =3.5 m, Tank 2 =2.5m, Tank 3 (Wakefield 3.5m). Anticipated remaining available water from above ground storage tanks with no additional rainfall is 8 weeks. Water restrictions in place
- Ivanhoe town water supply is currently being sourced from the Morrisons Lake reservoir. Morrison’s Lake storage is currently 200 megalitres, town storage dam 30 megalitres. Anticipated remaining available water from above ground storage reservoir with no additional flows through Willandra Creek is 6 months.

	Original Budget	Expended	% Expended
Wilcannia Water	\$308,250	\$253,727	82%
Wilcannia Sewer	\$81,000	\$66,930	83%
White Cliffs Water	\$113,500	\$119,067	105%
Ivanhoe Water	\$151,500	\$149,171	98%

6.1.10 PROJECTS REPORT

Summary

The purpose of this report is to update Council on the current status of projects being undertaken by the Engineering Department.

Project	Comments	Original Budget	Expended	% Expended
Remote Communities Water & Sewer Project	Reservoir Relining works completed.	\$400,000	\$400,000	100%
	Treatment Plant Upgrade works in progress. Approaching completion. Commissioning works commenced 24/3/14 and expected to be completed by end April	\$550,000	\$453,000	82%

	Civil works contract awarded. Expected start end April and approx.. 26 week program	\$3,161,000	\$5,000	0.2%
Aboriginal Communities Water and Sewer	5 year service agreement underway. Filtered Pipeline over Old Wilcannia Bridge to be replaced prior to June 30.	\$121,000 \$54,000	\$27,716 \$0	23% \$0
SR1 Bridge Replacements	Structures complete,	\$703,770	\$730,030	104%
Darling Basin Drilling Program	Completed	\$946,125	\$813,020	87%
Yampoola Flood Mitigation Works	In Progress	\$353,770	\$244,403	69%
SR3 Flood Mitigation Works	In Progress	\$350,000	\$131,688	38%

6.1.11 INVESTMENTS AND BANK BALANCES

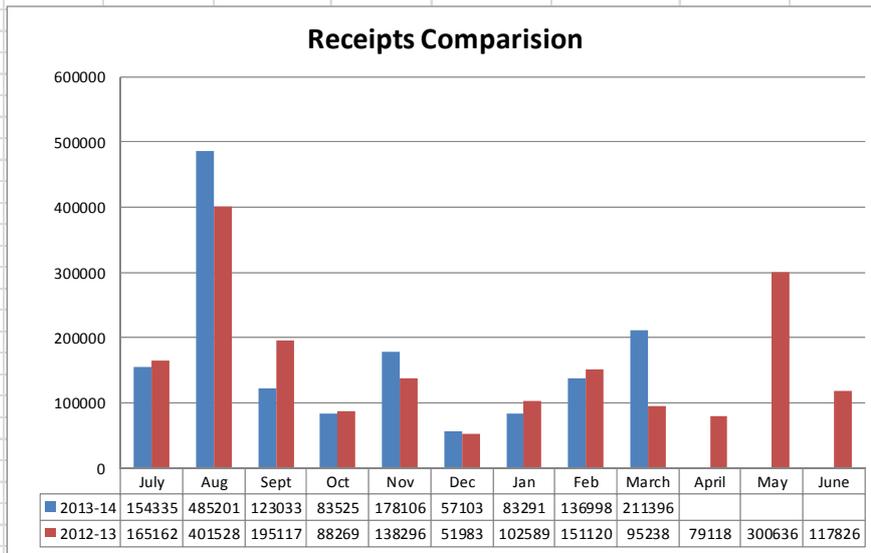
Schedule of Investments and Bank Balances as at 31st March, 2014							
			Term	Interest Rate	Maturity		Amount
Deposits at Call							
	Westpac	11am Call Account					\$0
Total Investments as at 31st March, 2014							\$0
Bank Balances as at 31st March, 2014							
	General Fund						-\$1,055,121 OD
	<i>(Overdraft limit: \$3,000,000)</i>						
At Call refers to funds held at a financial institution that can be recalled within 24 hours.							
Commercial Bills and Term Deposits are short term investments issued by a bank with a promise to pay a specified amount on settlement (being the face value plus interest).							

6.1.12 RATES REPORT

STATEMENT OF RATES and CHARGES as at 31 March 2014

Fund	YEAR TO DATE								BALANCE	
	Current Levies	Current Interest	Arrears Incl Interest	TOTAL	Receipts	W/Offs	Pensioner Subsidy	Rates in Credit		
General	703,011	17,816	255,061	975,889	551,986	5,569	14,875		403,458	
Special	33,602	1,600	23,303	58,505	26,555	44	0		31,906	
Water	312,760	14,796	215,327	542,883	238,803	124	4,550		298,551	
Sewer	105,430	4,053	55,295	164,778	75,837	14	788		88,140	
Garbage	380,778	13,632	187,226	581,636	288,958	935	13,157		278,261	
Excess Water	345,272	12,419	239,964	597,655	328,593	2,915	0		266,147	
Charge on Land	3,197	0	15,251	18,447	2,263	284	0		15,900	
Rates in Credit								(52,992)	(52,992)	
TOTALS	\$1,884,050	\$64,317	\$991,425	\$2,939,793	\$1,512,995	\$9,885	\$33,370	(\$52,992)	\$1,329,370	
THIS PERIOD										
									Balance @ 28/02/2014	1,527,575
									Interest raised	15,274
									Water consumption credits	0
									Excess water charges	0
									Supplementary Levies	1,268
									Receipts	(211,396)
									W/Offs	(221)
									Pensioner Rebates	(124)
									Rates in Credit	(3,006)
									Balance @ 31/03/2014	\$1,329,370
									Net Movement	(\$198,205)

Aged Balances	Current	1 Year	2 Years	3 Years	4 Years	5 Years & Over	Interest	Rates in Credit	
28/02/2014	\$714,856	\$149,018	\$102,418	\$83,786	\$70,981	\$186,097	\$270,406	(\$49,986)	\$1,527,575
31/03/2014	\$527,472	\$139,054	\$99,059	\$81,762	\$69,318	\$184,574	\$281,123	(\$52,992)	\$1,329,371
Net Movement	(\$187,384)	(\$9,964)	(\$3,359)	(\$2,024)	(\$1,662)	(\$1,522)	\$10,716	(\$3,006)	(\$198,205)



RECOMMENDATION

That the Information Items report be received and noted

7.0 MEDIA RELEASES

Date	Sender	Contents
21/03/2014	Member for Murray-Darling	Murray-Darling applauds impressive seniors with achievement award.
26/03/2014	Member for Murray-Darling	NSW Nationals support farmers through free meat day.
27/03/2014	LGNSW	LGNSW visits North, South and West NSW as its consultation roadhouse heads to its final destinations.
27/03/2014	Federal Member for Farrer	Labor puts \$45m brake on Farrer Roads
1/04/2014	Member for Murray-Darling	John Williams receives Loins highest international award.
4/04/2014	Federal Member for Farrer	Youth 'MP' from the Far West coming to Canberra.
7/04/2014	IPART	Valuer-General's land valuation services to Councils – Draft Prices

7.1 CIRCULARS/NEWSLETTERS

Date	Sender	Contents
25/03/2014	The Hon Gabrielle Upton MP	Letter: Regarding Menindee Multipurpose Centre concrete floor.
28/03/2014	Western Division Councils of NSW	Minutes: Annual Conference
28/03/2014	NSW Government, Office of Local Government	Circular: More time to get pools safe before sellings or leasing.
1/04/2014	NSW Government, Office of Local Government	Circular:Swimming Pool – granting exemptions – practice note

RECOMMENDATION

That the Correspondence for Council be received and noted

SECTION 7.2 THE RECEIPT OF REPORTS FROM COMMITTEES

SECTION 8. URGENT BUSINESS

8.1 RECOMMENDATIONS AND OPTIONS TO IMPROVE COUNCIL'S FINANCIAL PERFORMANCE AND POSITION

Summary

Correspondence dated 11 April 2014 has been received from the Chief Executive - Office of Local Government NSW forwarding the RSM Bird Cameron report "Recommendations and Options to improve Central Darling Shire Council's Financial Performance and Position".

Commentary

The correspondence received requests that the report be tabled at Councils' next Meeting.

The release of the RSM Bird Cameron report is a necessary part of progress being made to put in place actions and processes that can lead to the future sustainability of Council.

It is an expectation of the Office of Local Government (and the NSW Government) that the report findings be used to address issues that can improve Council's financial capacity and systems.

(a) Policy Implications

Recommendations in the report will be utilised in developing actions and strategies to improve the financial position and processes of council.

(b) Financial Implications

The report contents are to be utilised in preparing future reports and actions on the financial and other management of council.

(c) Legal Implications

Whilst no specific legal implications apply it is prudent that current and future staff and elected representatives are aware of and respond to the report contents / recommendations.

(d) Community Consultations

The tabling of the report will establish it as a public document and as such it can inform both council and the community on the status of issues with council.

RECOMMENDATION

That the RSM Bird Cameron report "Recommendations and Options to Improve Central Darling Shire Council's Financial Performance and Position" be noted, tabled and utilized to inform and guide future actions by Council in respect to financial, strategic and other management/ operational matters.

8.2 ALCOHOL FREE ZONE- WILCANNIA

Summary

This report seeks council approval to commence the required processes to provide for the extension/continuance of the Alcohol Free Zone (AFZ) in Wilcannia.

Commentary

The provisions of the Local Government Act, Part 4, Sections 642 to 646 inclusive enable Council to undertake a process to establish Alcohol Free Zones.

At the August 2010 Council Meeting it was resolved to establish an AFZ which included all made and maintained public roads and footpaths in Wilcannia. The zone was established for a period of four years.

The extension/ renewal of the AFZ needs to be considered by Council so that any proposal to continue the zone can be advertised and the necessary consultation processes undertaken prior to expiry of the current approval (in August 2014).

The renewal of the AFZ is considered necessary in order to provide Police and others with regulatory powers to limit street drinking and associated issues.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

The cost of updating the signage will need to be borne by council.

(c) Legal Implications

To legally re-establish the existing zones the requirements of the Local Government Act need to be followed.

(d) Community Consultations

As part of consultation public notice of any proposed AFZ will need to be provided, and licenced premises, the Police and the Anti- Discrimination Board advised and given the opportunity to comment.

RECOMMENDATION

That Council resolve that it proposes to establish (re-establish) an Alcohol Free Zone in Wilcannia which designates all made and maintained public roads and footpaths as an alcohol free zone and that the zone be in place for a period of four years from 26 August 2014 to 25 August 2018.

SECTION 9. CONFIDENTIAL MEETING

CLOSED COUNCIL

Confidential Reports

(Section 10A (2) of the Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representation to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public. The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Section 10A(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matter referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in a open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

SECTION 10. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 20th May 2014 in Wilcannia at 9:00am.
