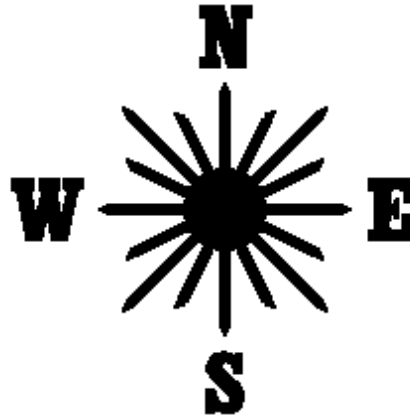


## Mission Statement

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

**Wednesday 17 April 2019 at 9:00am**

**In the Council Chambers**

**Wilcannia NSW**

**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 on Wednesday 17 April 2019 commencing at 9:00am.

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## SECTION 1. ATTENDANCE

### PRESENT:

Bob Stewart	Administrator
Greg Hill	General Manager
Reece Wilson	Director Shire Services
Jacob Philp	Director Business Services
Ali Couch	Executive Assistant

## SECTION 2. DISCLOSURES OF INTEREST – PECUNIARY AND NON-PECUNIARY

### ***RECOMMENDATION***

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

## SECTION 3. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC

Council's policy regarding public access to Council Meetings states:

- public access to monthly meetings of Council is listed as an agenda item;
- each member of the public seeking to address Council is to register with the General Manager prior to commencement of the Council meeting. Each member of the public is to complete a "registration form" obtained from Council staff. The registration form seeks the proposed topic or topics in public access to be stated;
- each registered member of the public address is limited to five minutes; and
- all matters raised in public access are recorded and a response provided at the Council meeting or in writing within one month after meeting date.

Note: Operational matters are to be addressed/raised separately with the General Manager. Comments/statements made at Council Meetings are not subject to Parliamentary Privilege.

## SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### ***RECOMMENDATION***

***That the minutes of the Ordinary Meeting of the Council held on Wednesday, 27 March 2019, be taken as read and confirmed as a correct record of the proceedings of the meeting.***

#### 4.1 BUSINESS ARISING FROM MINUTES

Nil

## SECTION 5. ADMINISTRATOR'S MINUTE REPORT

The drought and its continuing impacts on the Central Darling Shire have demanded the focus of the organisation.

On my familiarisation trip between the 11 and 15 February I visited the communities of Wilcannia, White Cliffs, Pooncarie and Menindee. This visit enabled me to be briefed on the major issues facing the community and organisation. The General Manager and I also attended the Briefing Session conducted by NSW Department of Industry Lands and Water at Pooncarie on the state of the NSW water supply. Councils in attendance lobbied that local Government as a water supply authority have a representative on the CRITICAL water Supply Panel.

During this visit Councils Services Division provided an extensive briefing on the state of urban and rural water supplies across the shire. Subsequently, a telephone hook-up was conducted with James McTavish the NSW Water Supply Commissioner to begin contingency planning for urban water supplies and to commence discussions on a strategy to ensure long term sustainable water supplies for our communities.

Priorities for the Shire were emergency water supply, the finalisation of planning and construction of the Wilcannia Weir and urban water treatment plant upgrades. These discussions have been ongoing.

The NSW State and Federal Elections provided a unique opportunity to lobby on behalf of the Shire's residents.

We have been successful in achieving announcements for funding for:

- Pooncarie Road
- Barka Centre
- Ivanhoe and Wilcannia Water Treatment Plant

The General Manager and myself also attended the annual Western Division Conference at Bourke between the 23 and 25 February which provided the opportunity to meet Ministers and other local government representatives. During the two days a business session of the Far West Joint Organisation of Councils (JO) was held.

The JO will provide opportunities for Council to leverage capacity with member Councils and this is going to require commitment and a change in how we have worked in the past.

The General Manager has sought to re-establish our Sister Council Relationship with Ryde City Council to explore opportunities of resource sharing and support.

I have regularly been asked since my appointment if the Council elections will be held for Councillors in September 2020. My appointment is up until that date and that decision will rest with the Minister for Local Government.

My role is to continue to implement and refine the Recovery Plan to build a sustainable organisation for the future of our community. There is still a long way to go and discussions will need to be held on the best model going forward.

A focus in the coming months will be a review of all Council Policies and governance arrangements. The following will be rolled out:

- Renewal of the Work Health and Safety Policy
- Draft Payment of Expenses and Provision of Facilities to Councillors and Mayor (includes the Administrator)
- Code of Meeting Practice
- Adoption of the latest Code of Conduct Policy.

A review has also been held on reporting and Council agendas and revised arrangements will be implemented for the May Meeting with a view to improve transparency and decision making.

Bob Stewart  
**Administrator**

## SECTION 6. DETERMINATION REPORTS

### 6.1 MODEL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT ATTACHMENT 1 AND 2

#### **Purpose:**

The purpose of this report is to update and renew Council's Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct.

#### **Background:**

The new 2018 Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) have now been prescribed under the *Local Government (General) Regulation 2005*.

Councils have six months from the date of prescription, (14 December 2018 – 14 June 2019) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

#### **Summary:**

The Model Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (Section 439)
- act in a way that enhances public confidence in Local Government.

Section 440 of the *Local Government Act 1993* requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

Councillors, administrators, members of staff of Council, delegates of Council (including members of Council committees that are delegates of Council) and any other person a Council's adopted code of conduct applies to, must comply with the applicable provisions of their Council's code of conduct. It is the personal responsibility of Council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

The Code allows extension to non-Council officials i.e. volunteers, contractors and wholly advisory committees.

#### **(a) Policy Implications**

A review of Council's policies will be required for the following Council's adoption of the new Model Code of Conduct to ensure that they align with the new standards.

#### **(b) Financial Implications**

Minimal costs within operational budgets to communicate to the updated Model Code of Conduct to Council and non-Council officials.

#### **(c) Legal Implications**

It is a legislative requirement that Council adopts a Code of Conduct and Procedures based on the prescribed Model Code of Conduct and Procedures by 14 June 2019.

**(d) Community Consultations**

Nil.

***RECOMMENDATION***

***That Council:***

- 1. Adopts the 2018 Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct in NSW as policies; and***
- 2. Adopts the provisions in both the 2018 Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct in NSW for the extension of the Code to volunteers, contractors and wholly advisory committees of Council.***



## SECTION 7. INFORMATION REPORTS

### 7.1 ENVIRONMENTAL SERVICES STATISTICS

<b><u>Statistics for March 2019</u></b>		
Development	Number of DAs Approved	3
	Total Value of DAs Approved	\$155,000
Food Safety	Food Premises Inspected	3
Animal Control Activities	Impounded	13
	Rehomed	13
	Returned to Owner	0
	Euthanized	0
	Registrations	0
	Microchipped	0
	Penalty Notices Issued	0
Water Sampling	Microbiology Samples Collected	8
	Chemistry Samples Collected	2
	Non-Compliant Samples	0
	Darling River Algae Samples	1

### 7.2 WORKS PROGRAM

### ATTACHMENT 3

The Yearly Grading Program has been included to enable Council to follow the progress of the grading crews working throughout the Shire. Any changes will be presented monthly.

#### Road Maintenance

The program attached reflects works programmed with available water, works up to June 30 will be provided to Council following condition assessments and receipt of confirmation of further RMS ordered works. Drought conditions limit the sections of Council's road network that can be maintained with available water and bore applications are in progress to enable water to be sourced for essential road maintenance operations.

### 7.3 COBB HIGHWAY

Advice received from Roads and Maritime Services (RMS) indicates that the yearly forecasted expenditure for the initial sealing of the Cobb and Silver City Highways has been expended. No further initial seal section will be started this financial year.

Two initial seal sections are being scoped and estimated at present, being Baden Park IS Project (3.67km) and Gypsum Mine Nth IS Project (5.50km). It is anticipated that these projects will commence early in the new financial year.

### 7.4 WATER RESTRICTIONS, WHITE CLIFFS AND WILCANNIA

Council is working with the communities and local businesses to address the water shortage issue and will continue to monitor the situation and seek assistance from DPI Water in this regard. Level 5 restrictions were implemented Friday 12 April 2019 for Wilcannia and White Cliffs

It should be noted that some businesses have been granted exemptions for essential landscaped grounds maintenance, these exemptions will be reviewed following any changes in restriction levels.

#### **Wilcannia Water Supply**

Council has been experiencing increasing salinity levels in the Darling River since July 2018. The salinity levels have recently exceeded 2500 mg/L which is considered poor to unacceptable quality for potable water supply and the subject of increasing complaint. In this regard Council transitioned to bore supply from the Union Bend Bore Field on 21 November 2018 for the town's filtered water supply only. Wilcannia's Raw water supply continues to be sourced from the Darling River weir pool.

Water Supply Information will be distributed to the community to ensure residents are aware of the current situation, restrictions, safety concerns, tips to save water and what Council are doing.

Level 4 Restrictions are in place.

Council has participated in the recently formed Drinking Water Palatability Panel including key stakeholders and chaired by the Water Commissioner, Mr James McTavish. These Panel's have provided an excellent forum for getting feedback on a range of view points and issues concerning drinking water palatability. These panels are expected to continue while the perceived palatability issues persist.

#### **White Cliffs Water Supply**

White Cliffs water supply is sourced from above ground storages. The main storage being Dam 3, Wakefield, located within Glenhope Station which is sourced from local runoff via Wanara Creek. Storages continue to deplete in the drought conditions and arrangements have been made with Essential Water, Broken Hill, for possible water carting operations in the event no substantial rainfall events occur in the coming months.

Level 5 Restrictions will be implemented Friday 12 April.

Alternate underground supplies have been investigated close to existing pump and power infrastructure with no success. Further Groundwater supply investigations have been completed and new investigation/test bores drilling will be undertaken as soon as possible.

## 7.5 WATER CARTING ARRANGEMENTS

Council commenced water carting arrangements on Friday 7 December 2018 at Menindee. The Menindee Environs residents are not connected to the town potable water supply reticulation network and source household water directly from the Darling River. The Darling River water quality has deteriorated, and a red alert implemented for the presence of toxic blue-green algae. Essential water is supplying Council with potable water, within operational limits, to allow an 18,000 litre truck to deliver from town supply to properties.

The cost of water deliveries is \$2.00 per kilo litre to cover supply charges, the cost of delivery operations is sourced from the Federal drought relief funding. Council's General Manager is also speaking to the State Government about additional funding specifically for water carting arrangements.

All Rural properties in need of potable water supply for household use will be assisted by Council. Advertising commenced in December, prior to Christmas, and requests continue to be addressed by Council's Engineering Department on a case by case basis.

## 7.6 ROADS REPORT

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

### **State Roads (Council undertaking work on behalf of Roads and Maritime Services):**

- 2018/2019 RMCC Routine Maintenance preliminary allocation is \$600,000.
- 15 Works Orders have been issued to Council 2018/19, as follows:
  - SH21 Bushley access Rd \$177,772 - completed
  - SH21 Bore tanks and fencing \$168,839 - completed
  - SH21 Bushley Gravel Pit REF/EIL \$48,461 - completed
  - SH8 Truck Fire \$16,260 - completed
  - SH21 Guardrail terminals \$56,949 - completed
  - SH21 Bushley Pit EPL \$6,127 - completed
  - SH21 Menindee Rd North Initial Seal \$856,759 (including variation) - completed
  - HW8 Heavy Patching \$220,707 - completed
  - HW21 Heavy Patching \$142,390 - completed
  - HW21 Reseals \$441,504 - completed
  - Centre Line Spot Marking \$10,289 - completed
  - HW21 Control Survey Glen Albyn/Kerpa \$23,484 - completed
  - HW21 Control Survey Slamannon/Yelta \$23,484 - completed
  - HW21 Burndoo Clearing and Grubbing \$7,783 - completed
  - HW21 Control Survey Springdale Initial Seal \$11,742 - completed
  - HW21 Water Supply Bores Rosewood/Slamannon \$83,146 – 50% complete
  - HW21 Resheet- Eurella Shoulders/ Mt Manara Floodway/ Mt Manara Pit Rehabilitation/ Bushley to Slamannon Maintenance Grading \$137,361 - completed
- There are 2 Work Orders that have been carried over and completed from last financial year being 111.18.15 SH21 Willandra Bridge Works \$192,523 and 111.18.16 SH21 Willandra HP \$81,144.

Works Description	Original Budget On Issued Work Orders	% Completed	Remaining Budget
RMCC (Routine Works)	\$600,000	79%	\$139,489
RMCC (Ordered Works)	\$2,433,064	97%	\$77,546

**Regional Roads (Council Owned and Maintained Roads):**

- 2018/19 Regional Road Block Grant amount (including traffic and supplementary components) is \$2,749,000 (-\$400,000 matching funding for RRRP)
- MR67 Wool Track funding \$1,925,000 to seal remaining 7km within Central Darling LGA. An additional \$460,000 is allocated from Roads to Recovery funding for the completion of major reinforced concrete box culverts.
- Roads to Recovery allocation of \$213,890 for 1.2km seal extension to the approach to Wilcannia from Tilpa West Rd, MR68A
- Regional Roads Repair Program (RRRP) allocation of \$400,000 and RRBG allocation \$400,000 for new bridge and approach road construction, MR68A Marra Creek

Works Description	Original Budget	% Expended	Remaining Budget
Regional Road Block Grant	\$2,349,000	87%	\$303,419
MR67 Wool Track	\$2,385,000	100%	\$0
MR68A Seal Extension	\$213,890	100%	\$0
MR68A Marra Creek Bridge	\$800,000	24%	\$613,618

**Local Roads (Council Owned and Maintained Roads):**

- 2018/19 Local Roads Component (FAG) is \$1,535,041. Budget allocation to operational works is \$1,480,000.
- 2017/18 Roads to Recovery allocation this year is \$331,212 for floodway reconstructions, Paroo River, SR3 Tilpa-Tongo Rd.

Works Description	Original Budget	% Expended	Remaining Budget
<b>Local Roads Component (FAG)</b>	\$1,480,000	67%	\$496,636
<b>SR3 Paroo Crossings</b>	\$331,212	5%	\$315,898

## 7.7 SERVICES

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

Works Description	Original Budget	% Expended	Remaining Budget
<b>Parks &amp; Gardens / Sporting Facilities</b>	\$179,350	76%	\$42,326
<b>Ancillary Works</b>	\$175,300	88%	\$21,918
<b>Street Cleaning / Bins</b>	\$126,500	69%	\$39,658
<b>Aerodromes</b>	\$115,700	51%	\$56,963
<b>Buildings</b>	\$472,700	96%	\$19,578
<b>Swimming Pools</b>	\$550,800	63%	\$206,111
<b>Waste Depots</b>	\$142,000	41%	\$83,470

### Water and Sewerage Maintenance:

- Wilcannia filtered town water supply continues to be sourced from the Union Bend Borefield. Level 4, Water Restrictions, were implemented 25 January 2019. Level 5 Water Restrictions are expected to be implemented on Friday 12th April 2019. Raw water supply is sourced from the Darling River Weir Pool and estimated 4 weeks supply is available in this regard. Council staff will monitor quantity and quality and implement higher restrictions where warranted.
- White Cliffs town water supply is sourced from above ground tanks, current levels: Tank 1 =3.8m, Tank 2 =3.1m, Tank 3 (Wakefield) =4.2 m. Remaining supply 2.5 months. February rainfall events have replenished supply marginally. Water Restrictions, level 4, were implemented 25 January 2019. Level 5 Water Restrictions are expected to be implemented on Friday 12th April 2019. Council staff will monitor quantity and quality and implement higher restrictions where warranted.

- Ivanhoe town water supply is currently being sourced from the Morrisons Lake Storage. Willandra Creek environmental flow has enabled Council to pump water into Morrisons Lake storage, pumping is complete.

Morrison’s Lake storage is currently 400 megalitres, town storage dam 50 megalitres. Remaining supply 18months

- Ivanhoe Water has exceeded budget constraints due to Willandra Creek Weir Upgrade works (\$40k), Essential sludge lagoon works (\$10k) and Pump/valves and fitting replacements (\$48k). Capital expenditure is included in the operational figures which will be reconciled asap.

<b>Works Description</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
<b>Wilcannia Water</b>	\$396,300	83%	\$69,000
<b>Wilcannia Sewer</b>	\$185,000	49%	\$90,000
<b>White Cliffs Water</b>	\$163,000	57%	\$93,100
<b>Ivanhoe Water</b>	\$276,000	139%	(\$110,050)
<b>Aboriginal Communities R&amp;M</b>	\$105,865	45%	\$58,300

## 7.8 CAPITAL WORKS

The purpose of this report is to update Council on the capital works and projects expenditure to date.

Project	Comments	Original Budget	% Expended	Remaining Budget
CTWS – Preconstruction activities	Pre-construction activities	\$1,000,000	96%	\$44,253
	Training	\$200,000	100%	\$0
Restart NSW – White Cliffs Water Supply	Funding Deed signed	\$5,500,000	0%	\$5,500,000
Waste Less, Recycle More – landfill Improvements	Wilcannia, Menindee and Ivanhoe Tips.  Wilcannia – 95% complete  Ivanhoe – in progress  Menindee – not started	\$584,672	69%	\$182,077
Drought Relief Funding	Water Carting	\$400,000	18%	\$328,577
	Community Events/Projects	\$200,000	5%	\$191,514
		\$400,000	14%	\$346,445
	Bore Development			
Drought Relief Heavy Vehicle Access Program	VMS Road Closure Signage	\$300,000	32%	\$204,082

7.9 CASH AND INVESTMENTS

**Schedule of Investments and Bank Balances as at 31 March 2019**

	<b>Amount</b>	
<b>Cash Reserve</b>		
Westpac Business Cash Reserve	\$1,529,000	
<b>Total Reserve Balance as at 31 March 2019</b>	<u>\$1,529,000</u>	
<b>Bank Balances as at 31 March 2019</b>		
General Fund	\$498,282	In Funds
Clearing Account (Account used for receiving deposits)	\$30,171	In Funds
	<b>Total Cash at Bank</b>	
	<u>\$2,057,454</u>	
<b>Cash Restrictions</b>		
Internal Restrictions	\$260,000	
External Restrictions	<u>\$1,565,000</u>	
	<b>Total Restrictions</b>	
	<u>\$1,825,000</u>	

7.10 MINUTES AND REPORTS RECEIVED

ATTACHMENT 4

- Section 355 White Cliffs Pool Committee Meeting Minutes

***RECOMMENDATION:***

***That the Information Items reported be received and noted.***



## SECTION 8. CONFIDENTIAL MEETING

### **CLOSED COUNCIL Confidential Reports (Section 10A (2) of the Local Government Act 1993)**

Where it is proposed to close part of the Council 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.

Pursuant to Section 10A(2) of the *Local Government Act 1993* (the Act) Council or a Committee may close to the public so much of its meeting when matters listed below are to be discussed being:

- (a) personnel matters concerning particular individuals other than Councilor's,
- (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, Councilor's, 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,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act states that a Council, or a Committee, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10A(4) provides that a Council, or a Committee, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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 an 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 Councilor's 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 if Council passes a resolution during a meeting, or part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

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**SECTION 9. DATE AND VENUE FOR NEXT MEETING**

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*The next meeting of Council will be held on Wednesday 22 May 2019 in Wilcannia at 9:00am.*

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