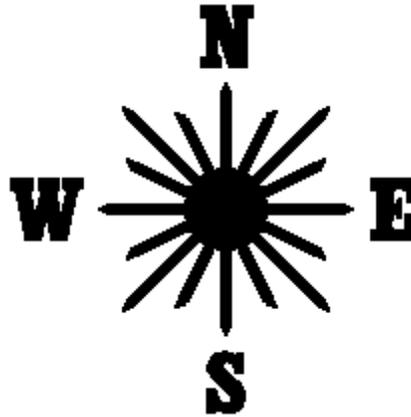


Mission Statement

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 18th February 2014 at 9:00am

In the Customer Service Centre

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 Customer Service Centre, Wilcannia on Tuesday 18th February 2014 commencing at 9:00am.

There will a Citizenship Ceremony to take place at the commencement of the Council Meeting.

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SECTION 1. RECEIPT OF APOLOGIES

RECOMMENDATION

That the apologies be received and noted

SECTION 2. GRANTING OF LEAVE OF ABSENCE

RECOMMENDATION

That leave of absence be granted.

SECTION 3. 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.
- 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.

SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Council held on the 17th December 2013, copies of which were circulated to all Councillors, be taken as read and confirmed as a correct record of the proceedings of the meeting.

4.1 BUSINESS ARISING FROM MINUTES

SECTION 5. ADMINISTRATOR MINUTE REPORT

5.1 APPOINTMENT OF ADMINISTRATOR AND THE RETURN TO FINANCIAL SUSTAINABILITY

Introduction

Following the decision of the Minister for Local Government, on 23 December 2013, to suspend the elected Council for a period of three months, I have been appointed as Interim Administrator of the Central Darling Shire Council. It is my responsibility to stand in the place of the elected Councillors and Mayor and to act as the Council for that period. The Acting General Manager, senior management and other staff remain in place and continue operating to deliver for the community.

My primary concern, during the period of suspension, will be the development of a plan to return the Council organisation to some form of financial sustainability while continuing to deliver appropriate services to the communities of the Shire. This will entail some difficult and challenging options for the organisation itself, the Council staff and for the community.

There is no question that the financial position of the Council is dire. Financial reserves have been rundown to nothing and cash flow is severely constrained. Any solutions to these problems will not deliver results within the three months of the suspension period and the rehabilitation of the Council's finances will take quite some time. At each Council meeting of the suspension period a progress report will be provided for public information.

The Development of a Recovery Plan

A large part of my brief, as Administrator, is to develop and implement a plan for the financial sustainability of the Central Darling Shire Council. The broad framework of the plan at this stage is to:

Identify and classify all services and facilities as:

Core municipal services

Essential corporate support services

Discretionary municipal services

Discretionary services provide on behalf of third parties

Ensure that all appropriate costs and revenues are understood for, and allocated to, those services and facilities.

Design a core organisational structure to support and maintain core municipal services and essential corporate support services with the ability to add or subtract modular components to manage properly funded discretionary services.

Develop a pricing and funding model for discretionary services that does not require cross subsidisation by core services funding.

Offer only those discretionary services where there is an appropriate funding model in place and clear community benefit.

Ensure that all CDSC services and facilities are provided efficiently and effectively given the circumstances of the Shire.

Financial Systems Review and Strategy Development

Commencing on Monday 3 February 2014 a team from the accounting firm RSM Bird Cameron is undertaking a substantial review of the Council's financial systems, processes and position leading to the development of a strategy for Council to improve its financial sustainability. This work will play a significant role in the development of the longer term recovery plan for the Council.

The outcomes of the review will include:

An assessment and verification of the Council's financial position, including the current budget position; grant and contract administration;

Recommendations to improve the adequacy, accuracy, reliability and completeness of Council's financial monitoring and reporting systems;

Recommendations to improve the Council's system of internal controls;

Recommendations to improve the Council's immediate financial position; and

Recommendations on strategies to balance the Council's budget and improve its cash flow position in the longer term.

This work is due to be completed by the middle of March and an appropriate summary report will be presented to the next available Council meeting.

Since my appointment it has been necessary to make several policy decisions. These are:

Grant Funds Offered

As a general principle, the position for the foreseeable future will be that the Council cannot accept significant grant funding that requires matching or significant contributory funding that has not been explicitly provided for in the budget.

Despite the benefits that may accrue to the community as a result of the particular projects, finding the funds to match or contribute to ad hoc, non-budgeted projects can only worsen the financial position of the Council. Grants where Council's contribution is "in kind" only may be acceptable subject to the time required not posing a major distraction from core activities.

Commencement of New Projects

All new work is being carefully scrutinised to determine if it can be conducted and completed without worsening the Council's financial position. This may mean that there will be works deferred or even cancelled. The Council cannot continue to spend money it does not have, even if the

projects have value to the community. These will be difficult decisions but they will be made with as much transparency is possible.

Council Meetings

Council meetings will continue to be held monthly, albeit with just one Administrator rather than nine Councillors. Some adjustments to the arrangements are required however:

Due to my inability to be in the Shire during the third week of March, the meeting originally scheduled for the 18 March 2014 will be rescheduled for the 11 March 2014.

As Council meetings are expected to be of much shorter duration as there will be no debate between Councillors, it is proposed to convene all Council meetings in Wilcannia for the period of administration. This will save the need to transport a number of people (generally Council's senior staff) between locations for meetings of only one hour's duration. Public access will be continued and the Public Forum will still be available for citizens to raise issues. I will however, be attending in Ivanhoe and Menindee for public consultation sessions over the next two months (dates to be confirmed).

Resignation of Acting General Manager

It was with great regret that I accepted the resignation of the Acting General Manager, Ms Leeanne Ryan, effective from 19 February 2014. Ms Ryan is pursuing other opportunities related to the needs of her young family and I wish her well. Ms Ryan has given thirteen years' service to the Shire, including the past 18 months as Acting General Manager and I thank her, on behalf of the Shire community, for her dedication and commitment.

As a result of this resignation, I am (at the time of writing) in the process of seeking the services of an interim General Manager to assist with the change process and to provide leadership to the staff organisation until a permanent General Manager is appointed.

RECOMMENDATIONS

- 1. That the information contained in the Administrator's Minute be noted.***
- 2. That the previously adopted Council meeting schedule be amended by moving the March Council meeting to 11 March 2014 and by holding all scheduled Council meetings in Wilcannia for the duration of the administration period.***

5.2 REPORT OF THE INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL

Introduction

The Independent Local Government Review Panel was appointed by the NSW Government in April 2012, following an approach by the then Local Government and Shires Associations (now combined as 'Local Government NSW'). Its task has been to formulate options for governance models, structures and boundary changes:

To improve the strength and effectiveness of local government

To help drive the key strategic directions set out in the Destination 2036 Action Plan, and to further the objectives of NSW 2021: A Plan to Make NSW Number One (the State Plan).

Having now completed its work, the Panel has concluded that new directions must be pursued to revitalise the culture, structures and operations of NSW local government, as well as its relations with the State. Its view is that this must be done first and foremost so that local government can provide better services, infrastructure and representation for the communities it is intended to serve. The Panel's stated goal is:

A more sustainable system of democratic local government with added capacity to meet the needs of local and regional communities, and to be a valued partner of State and federal governments.

The Panel believes that it has tested all its ideas, options and proposals against that goal; that its proposals are far-reaching but far from radical and that they rest on evidence drawn from the extensive literature on local government reform, commissioned research, previous inquiries, and established practice elsewhere in Australia or New Zealand, England and Canada.

The Panel Report

The final report of the NSW Independent Local Government Review Panel is entitled "Revitalising Local Government" and contains a total of 65 recommendations grouped under the subjects of:

Fiscal responsibility

Strengthening revenues

Meeting infrastructure needs

Improvement, productivity and accountability

Political leadership and good governance

Advancing structural reform

Regional joint organisations

'Rural Councils' and community boards

Metropolitan Sydney

Hunter, Central Coast and Illawarra

Non-Metropolitan regions

Far West

State – Local Government relations

Driving and monitoring reform

The report is comprehensive and can be found on the website of the NSW Division of Local Government. A second report is entitled “Strengthening Far West Communities – A Pathway for Change” and deals specifically (as the name implies) with the Far West region of the State. It is within this report that some significant changes are proposed for the Central Darling Shire Council, namely that the Shire be unincorporated and that community boards be established for Wilcannia, White Cliffs, Menindee, Sunset Strip and Ivanhoe under the administration of the proposed Western Regional Authority. The Authority and the recommendation to unincorporated the Shire are discussed in detail further in this report.

Given that there are some very specific recommendations that deal with the Shire itself, it is proposed in this report to discuss in detail only those specific matters. A submission on the more general recommendations will be made prior to the deadline however they are largely positive in nature and the real matters of concern to Central Darling Shire are those items specific to the Far West.

The Far West Regional Authority

The Review Panel has recommended that the NSW Government establish a Far West Regional Authority as a regional backbone organisation with the principle aim of building a collaborative whole-of-government system of governance in far western NSW.

The Authority would build a system that effectively organises and focuses the resources and capacities of Federal, State and local governments; cross-sector government agencies; non-government organisations and community groups.

The proposed Authority would have as its functions regional strategic planning; the alignment of activities to minimise duplication and overlaps; administer the Western Lands leases; and promote shared services across the region.

The concept of a Far Western Regional Authority has significant merit in principle. There is a need for the multitude of government, non-government and community based agencies to be coordinated in their delivery of services to the Far West. Duplication of services and the sometimes inappropriate delivery methods determined by agencies located outside of the region with little or no understanding of local conditions are continuing problems for the region. Importantly, often these programs include administrative overheads and risk margins that are retained within the “home” metropolitan locations of agencies and departments and are lost to the Far West. More centralisation of administrative support services would lead to greater financial and employment benefits for the region.

However, at present, there is far too little detail on the concept to ensure wholehearted support. The development of the Far West Regional Authority as simply another level of government in the region would be a most undesirable outcome. The level of commitment of other levels of government and their agencies to the model will also be crucial given the ragged history of agencies ceding their power and control over matters in the past.

The Unincorporation of the Central Darling Shire

The Review report includes a summary of the Panel’s “Preferred Future Local Government Arrangements for the Far West” that suggests, among other things, the unincorporation of the

Central Darling Shire; the amalgamation of the Bourke/Brewarrina and Wentworth/Balranald Councils and the development of Community Boards for the towns of Wilcannia, Ivanhoe, Menindee and White Cliffs.

In short, the unincorporation of the Shire would mean dismantling the Council and having no real local government in the district. The Community Boards in the towns would act in much the same way as the current Village Committees in Silverton and Tibooburra in the current unincorporated area.

I do not support the unincorporation of the Central Darling Shire.

An effective local government authority has the potential to identify, build and deliver needed services and facilities to local communities. An effective local government authority also has the capacity to be the local facilitator for the provision of other service and facilities nominally delivered by others. At present the Central Darling Shire Council acts as just that – the facilitator and deliverer of many services on behalf of other agencies including the RMS, TransportNSW, other government and welfare agencies as well as some commercial operators. In remote rural communities this capacity has a very high value and allows local control of economic, social and employment outcomes.

Of course, the principal requirement for a Council to successfully undertake this facilitative role is to be an effective local government authority in the first instance. For a variety of reasons, the Central Darling Shire needs to refocus its activities and its funding measures to build to that standard before it can be an effective facilitator. Work has commenced (and is described in the previous report on this agenda) and will be achieved during this calendar year. Once that is achieved, I see no reason why the Shire cannot continue to improve the value it provides to its community in economic, social and employment terms.

Conclusion

There is much to commend in the Review Panel's work, particularly in the areas of fiscal management, infrastructure improvement, leadership development and good governance. Similarly, the concept of a Far West Regional Authority has merit subject to further detailed development to ensure that it does not simply add an additional layer of bureaucracy to the region.

However, the suggestion that the Central Darling Shire be dismantled as an entity cannot be supported.

There is a continuing role for a viable and sustainable local government within the Shire boundaries. The challenge for the Council organisation and its residents is to demonstrate a commitment to its success and its relevance.

While currently under Administration, the challenge is to reform the role and operations of the Council and to return it to sustainability. Work on that undertaking is outlined elsewhere in another report in this Council business paper.

RECOMMENDATIONS

That a formal submission be made to the final consultation on the reports “Revitalising Local Government” and “Strengthening Far West Communities – A Pathway for Change” of the Independent Local Government Review Panel encompassing:

(a)Commentary on the various recommendations in terms of the culture, structures and operations of local government in NSW;

(b)Qualified support for the concept of a Far West Regional Authority subject to more detailed definition of its role and structure and the commitment of all levels of government to the model;

(c)Complete opposition to the unincorporation of the Central Darling Shire Council and its replacement by Community Boards in each of the major towns of the Shire.

SECTION 6. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

RECOMMENDATION

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

SECTION 7. NOTICE OF MOTIONS

SECTION 8. NOTICE OF RESCISSION MOTIONS

SECTION 9. ACTING GENERAL MANAGER'S REPORT

9.1 INFORMATION ITEMS

9.1.1 SENIORS WEEK

ATTACHMENT 1

Correspondence has been received from The Hon. John Ajaka MLC advising Council has been provided with \$1000 funding for Seniors Week. This money will be utilised to assist community groups to hold Senior Citizen functions across the Shire as has been done in previous years. Council has a standing amount of \$750 allocated to each pensioner association/community for Senior Citizen functions as noted in Council's 2013/14 Operational Plan. The funding received and standard Council contribution will be made available for communities to hold their annual Senior Citizen functions.

9.1.2 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

The Local Government Remuneration tribunal has commenced its annual review of the fees payable to Councillors and Mayors. Pursuant to s.243 of the Local Government Act 1993, the Tribunal is required to make an annual determination, by no later than 30 April 2014, on the fees payable to Councillors and Mayors to take effect from 1 July 2014.

As per usual practice, the Tribunal will review the minimum and maximum fee levels for each Category. The Tribunal notes that the final reports of the Independent Local Government Review Panel and the Local Government Acts Taskforce make a series of recommendations, some of which address remuneration for Councillors and Mayors. It is not expected that a decision on, or implementation of, any proposed reforms will be finalised prior to the Tribunal making its final determination on or before 30 April 2014. It is noted the Tribunal are not calling for general submissions from individual Councils as part of this annual review.

The fees payable are dependent upon the categorisation of the Council, with Central Darling Shire Council designated a Rural Council. In previous years this Council has always adopted the maximum fees payable to Mayors and Councillors. Further information on expected increases will be provided when available for consideration by the Interim Administrator.

9.1.3 COMPLAINTS DATA – NSW DLG WEBSITE

The Division of Local Government has released its complaint statistics page and also made it available on the Divisions website. A copy of the complaints page for Central Darling has been downloaded, and it is noted for the period from 1 July 2012 to 30 June 2013 that a total number of complaints received relating to Council was 5. From the outcomes, it was noted that 3 were of a minor nature not warranting investigation, 1 was referred to Council for investigation, and 1 was resolved to the Departments satisfaction.

RECOMMENDATION

That the Information Items report be received and noted.

9.2 SUSPENSION OF COUNCILLORS

ATTACHMENT 2

Summary

This report provides information on the suspension of Councillors under Section 438M of the Local Government Act 1993.

Commentary

As reported in December at the Ordinary Meeting of Council held on 17 December 2013 and the Extraordinary Meeting of Council held on 10 December 2013 the Minister for Local Government The Hon. Don Page MP had issued a Notice of Intention to Suspend under section 438I of the Local Government Act 1993 to the Councillors of Central Darling Shire Council. On 23 December 2013, the Minister made a determination to suspend the Councillors pursuant to section 438I of the Act and appoint an Interim Administrator pursuant to section 438M of the Act. The term of the suspension is for a period of three months.

The suspension related to the deterioration of Council's financial position and forecast of future deficits in 2014, as well as expectations of the financial position worsening over the medium to long term.

Mr Greg Wright has been appointed as Interim Administrator and commenced on 23 December 2014.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Suspension of Councillors report be received and noted.

9.3 POLICY: PAYMENT OF EXPENSES AND PROVISIONS OF FACILITIES TO COUNCILLOR

ATTACHMENT 3

Summary

The purpose of this report is to adopt a revised policy on the payment of expenses and provision of facilities to Councillors pursuant to the requirements of the Local Government Act 1993 (LGA 1993) and Regulations.

Council's existing policy requires updating. Within 5 months after the end of each year Council must 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 and the other councilors in relation to discharging the functions of civic office under s.252 of the LGA 1993.

Commentary

A revised policy had been developed and presented to Council for consideration at its November 2013 meeting. This draft policy is generally a reflection of the same policy adopted last year, however some changes are included, these being;

Pg 5 – inclusion of a provision to claim travel if a Councillor is required to travel via a longer route to attend Council engagements if the shortest route is impassable.

The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the expenses allowed and the facilities provided to assist Councillors are fair and reasonable.

The objectives of the policy are to ensure compliance with the provisions of section 252 of the LGA 1993. The policy establishes the framework concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor, the Deputy Mayor and the Councillors in relation to the performance of the functions of civic office.

To fully meet the provisions of the legislation and DLG guidelines the policy must include all of the specific expenses for which Councillors are entitled to receive reimbursement and all of the specific facilities Councillors are entitled to use. Councillors can only receive reimbursement for expenses and the use of facilities when these are clearly identified in the policy.

The overriding principle to be addressed in the development of the policy is that the details and range of expenses paid and facilities provided to Councillors must be clearly and specifically stated and be fully transparent and acceptable to the local community. The policy must include clear limits and processes for approval, reconciliation and reimbursement for all expenses and facilities to maximise accountability and transparency.

Policy Implications

The adopted Policy will form part of Council's Policy Register.

Financial Implications

There are financial implications and appropriate budgetary provisions will be adopted by Council each year as part of the annual Operational Plan.

Legal Implications

This policy is covered by the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The Policy describes the legislative provisions pertaining to this report.

A number of other government policy provisions affect this policy including DLG Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW, DLG Circulars and various ICAC publications.

Community Consultation

Under Section 253 of the LGA 1993 states the policy has been placed on public exhibition for 28 days during December 2013 and January 2014. During the period no submissions were received.

Council must also forward a copy of the adopted policy inclusive of any public submissions to the DLG.

Section 254 requires that Council consider the report in open Council.

Section 428 describes Council's obligations regards the annual report.

The Policy when adopted will be published on Council's website and must be reviewed within 5 months after the end of each year by Council.

RECOMMENDATIONS

That the Policy: Payment of Expenses and Provision of Facilities to Councillors report be received and further:

That the policy be formally adopted and incorporated into Council's policy register.

That upon final adoption of the policy it be published on Council's website.

That the policy be reviewed by Council each year by the 30 November and a copy duly submitted to the Division of Local Government.

9.4 MODEL CODE OF CONDUCT REPORTING

Summary

This report presents a report on the complaint statistics received over the past 12 month period under the Model Code of Conduct.

Commentary

As per the Local Government Act 1993, it is necessary for the General Manager to provide Council with a report detailing the number of complaints received under the Model Code of Conduct. During the reporting period, no complaints were received under the Model Code of Conduct; nor was it necessary for any matters to be referred to Council's Code of Conduct Committee.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Model Code of Conduct Reporting report be received and noted.

Summary

The purpose of this report is to advise of the appointment of Deputy Unit Controllers to the Ivanhoe SES, Menindee SES, White Cliffs SES and Wilcannia SES.

Commentary

Correspondence has been received from the NSW SES Commissioner advising of the following appointments;

Ivanhoe SES - Mr William Britt has been appointed by as Deputy Unit Controller.

Menindee SES – Ms Georgia Shepherd has been appointed as Deputy Unit Controller.

White Cliffs SES – Ms Jane Stevenson has been appointed as Deputy Unit Controller.

Wilcannia SES – Mr Chad Howard has been appointed as Deputy Unit Controller.

The appointments are effective from 1 August 2013 and are normally for a maximum period of 2 years; however subject to a formal review in August of each odd-numbered year.

It is also noted that the above persons have been appointed as an Emergency Officers in accordance with Section 15(2) of the State Emergency Service Act of 1989. The delegation of Emergency Officer provides an array of powers to direct person/s to leave premises and for the officer to take charge/control of Emergency Services situations such as flood, storm, tsunami or other situations in which NSW SES has been directed to assume control. It is necessary under the State Emergency Service Act 1989 for members of police and other emergency service organisations to recognise the authority of Emergency Officers.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the SES Appointments report be received, and further;

That a letter of congratulations be sent to Mr William Britt, Ms Georgia Shephard, Ms Jane Stevenson and Mr Chad Howard on their recent appointments as Deputy Unit Controllers with the local SES.

Summary

The purpose of this report is to provide further information on the proposed transfer of the White Cliffs Solar Power Station from Essential Energy to Central Darling Shire Council.

Commentary

After an extended period, Essential Energy has contacted Council and advised that they have prepared the required documentation, and are now in a position to offer official transfer of the White Cliffs Solar Power Station to Council. This matter has been in progress for the past two year period, and has been awaiting official confirmation and preparation of transfer documents from Essential Energy. Initially, Council was not interested in the transfer of the facility, and had advised Essential Energy to speak with local residents in White Cliffs to see if a local group were interested in managing the facility. Further discussions with Councillors and senior staff has progressed this matter to this point; a copy of the last report to Council on this matter is attached.

Since this time, it has recently emerged that due to financial constraints that Council is not a sound financial position to take over the management of the facility. Although the solar power station does not operate as a going concern, there will continue to be an ongoing need for maintenance of the infrastructure on the site, insurance costs to be met, yard and fencing repairs to be scheduled into Council's operational budget. At this point in time, Council is not in a position to accept the transfer of the facility as it would incur more costs and increase financial commitments.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the White Cliffs Solar Power Station report be received, and further;

That Council notifies Essential Energy it is unable to accept the transfer of the White Cliffs Solar Power Station due to financial constraints.

SECTION 10. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

10.1 INFORMATION ITEMS

10.1.1 GRADING PROGRAM

The Yearly Grading Program has not been included in the February report due to Council's current financial situation and subsequent impact on sub-contractor engagements.

Staff continue to monitor the road network and are installing additional signage where warranted.

10.1.2 COUNCIL GRAVEL PITS

Discussions between Council's Works Engineer and the district Mines Safety Inspection Officer in early January 2014 have identified the need to produce a Mine Management Safety Plan. This document is now in the process of being created for Council's extensive network of gravel pits.

As part of this process each gravel pit will require a certificate of registration.

The Works Engineer is Council's designated quarry production manager and is certified accordingly. The Works Engineer is in the process of delivering the Mine Management Safety Plan and associated gravel pit registrations.

This process is a lengthy one and will be ongoing with no formal deadline being set by NSW Trade & Investment. Subsequent visits by the Mines Safety Inspection Officer will be checking on Council's progress.

10.1.3 CRISTAL MINING – ROAD MAINTENANCE AGREEMENT

Council has received a draft Road Maintenance Agreement from Cristal Mining with regards to proposed contribution amounts for the maintenance of the Ivanhoe-Balranald Rd, MR67. The draft agreement is based on a Pavement Condition Assessment that was undertaken by Tonkin Consulting on behalf of Cristal Mining.

Engineering staff have reviewed the Pavement Condition Assessment and the draft Road Maintenance Agreement and have provided Cristal Mining with comments and queries relating to this. Once responses have been received a report will be submitted to Council for consideration.

It should be noted that the trigger point for release of funding to complete sealing works is the State Govt approval of the DA. It is uncertain whether Road Maintenance responsibilities will be via a Voluntary Planning Agreement or as a Condition of Consent.

RECOMMENDATION

That the Information Items report be received and noted.

10.2 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 for the previous month.

Council currently has one grading crew operating within the shire on SR1 to enable the new bridge approaches to be completed and guardrail to be installed.

Commentary

State Roads:

- 2013/2014 RMCC works estimated cost for Routine Maintenance Works on both highways is \$533,000. Expenditure below is for 1st and 2nd Quarter only (July- Dec)
- 2 Works Orders received this financial year to date.
- 2 Works Orders remaining from 2012/13 financial year.
- Heavy patching and reseal works completed on SH8
- SH21 Capital Works 2013/14 estimate only – TBC once work order issued by RMS

	Original Budget	Expended	% Expended
RMCC (ROUTINE WORKS)	\$533,000	\$486,613	91%
RMCC (Ordered Works)	\$831,027	\$761,227	92%
SH21 Capital Works (2012/13)	\$1,064,953	\$1,304,802	100%
SH21 Capital Works (2012/13)	\$600,000	\$0	0%

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	\$1,620,218	65%

MR68C Yampoola Crossing (R2R 13/14)	\$353,770	\$240,525	68%
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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	\$732,344	50%
SR1 Bridges (R2R 12/13)	\$703,770	\$730,030	104%
SR3 Flood Mitigation Works (R2R 13/14)	\$350,000	\$194,033	55%

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

various as displayed in the above table.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Roads Report be received and noted.

10.3 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	\$98,112	41%
Ancillary Works	\$125,800	\$69,902	56%
Street Cleaning/ Bins	\$144,800	\$74,213	51%
Aerodromes	\$93,269	\$33,476	36%
Public Conveniences	\$37,250	\$28,286	76%

Water & Sewerage Maintenance:

- Wilcannia town water supply is currently being sourced from the Darling River Weir pool. Anticipated remaining available water from weir pool with no additional flows is 2 months.
- White Cliffs town water supply is sourced from ground tanks current levels: Tank 1 =5.0 m, Tank 2 =2.8m, Tank 3 (Wakefield 5.8m). Anticipated remaining available water from above ground storage tanks with no additional rainfall is 2 months.
- Ivanhoe town water supply is currently being sourced from the Morrisons Lake reservoir. Morrison's Lake storage is currently 250 megalitres, town storage dam 45 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	\$187,282	61%
Wilcannia Sewer	\$81,000	\$52,515	65%
White Cliffs Water	\$113,500	\$92,073	81%
Ivanhoe Water	\$151,500	\$113,025	75%

(a)Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Services Report be received and noted.

10.4 PROJECTS REPORT

Summary

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

Commentary

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.	\$550,000	\$225,484	40%
	Civil works component tender closes 14 th Feb 2014	\$2,080,000	\$5,004	0.2%
Aboriginal Communities Water and Sewer	Council resumed water and sewer services from 1 st July 2013.	\$121,000	\$27,716	23%
	Filtered Pipeline over Old Wilcannia Bridge to be replaced Nov 2013	\$59,000	\$0	\$0
SR1 Bridge Replacements	Structures complete,	\$703,770	\$730,030	104%

Darling Basin Drilling Program	Completed	\$846,450	\$813,020	96%
Yampoola Flood Mitigation Works	In Progress	\$353,770	\$240,525	68%
SR3 Flood Mitigation Works	In Progress	\$350,000	\$194,033	55%

Project Notes:

Remote Communities Water and Sewer Project

This project will be dealt with, in detail, under item 10.8

Aboriginal Communities Water and Sewer Services

The Federal Government's Aboriginal Communities Water and Sewer Program provides funding to support water and sewer services in twenty-six (26) remote aboriginal communities throughout Australia. The twenty-five (25) year program commenced in 2009.

The initial operation of the program was subject to a service agreement between NSW Office of Water, Wilcannia Aboriginal Lands Council and Central Darling Shire Council. The interim arrangements, directly managed by Council, required the engagement of a suitably qualified and experienced plumbing resource to undertake works prescribed in each relevant management plan. BHC Plumbing were engaged on an interim basis in this regard due to their experience in remote communities, commitment to indigenous training and sound quality of workmanship.

The interim arrangements conclude on 30th June 2013. The NSW Office of Water engaged NSW Public Works to prepare and call tenders for the on-going provision of water and sewer services to these remote aboriginal communities including Wilcannia from 1st July 2013.

Council proposed to be the primary service provider for the provision of water and sewer services for the Mallee and Warrali Aboriginal Precincts in accordance with the relevant water and sewer management plans. Council was the successful tenderer and commenced duties as primary service provider of water and sewer services to the Mallee and Warrali Aboriginal Estates on 1st July 2013.

The Commonwealth Government's Aboriginal Communities Water and Sewer Program provides 100% funding for the cost of water and sewer services in accordance with water and sewer management plans for each community. The quotation submitted to NSW Office of Water of \$121,000 (excl.GST) will cover Council's costs for the provision of water and sewer services to the Mallee and Warrali Aboriginal Estates including aboriginal training obligations and qualified plumber engagement. The funding provided is generally paid in 6 monthly installments subject to Councils submitted invoices. The funds are provided in advance i.e. provided at commencement of project.

SR1 Bridge Replacements

This structure replacements project is funded by Roads to Recovery allocation 2012/13 of \$703,770. Funding has been received.

The 2 bridge structures have been completed and the contractor has been paid for works according to tendered price of \$668,800 GST Incl (-5% retention monies)

The approaches to 1 bridge have been completed and guardrail for both bridges has been received. Expenditure to date is \$730,030.

Remaining works entail approaches to the 2nd bridge being completed and guardrail terminal sections being installed. Estimated cost for completion \$125,000

It was my intention to complete the approach works with remaining FAG Local Roads Component Funds and complete the project so these new works can be commissioned.

Darling Basin Drilling Program – Site Preparation Works

These private tendered works have been completed and final invoice submitted for payment. After variations the contract sum was \$846,450 of which \$813,020 was expended. Expenditure includes \$56,378 on costs and approximately \$86,000 in unused gravel.

Direct profit is expected to be in the order of \$33k at this point of practical completion. This figure may be reduced in addressing issues during the finalization of the contract defects liability period.

Additionally, in conjunction with this project a significant quantity of surplus gravel has been generated. This surplus material, whilst costed to the project, is available to be utilized on other projects and will mean in time additional cash return to this project of a minimum of \$86k. This represents an effective return of approximately \$119k.

The site drilling works are in progress with the Department of Resources and Energy. The site rehabilitation contract works have not been awarded to date. Councils initial tendered price was not accepted.

MR68C Yampoola Creek Flood Mitigation Works

The project is funded by Roads to Recovery 2013/14 allocation of \$353,770. Council has received this allocation. These flood mitigation works include detour construction, existing piped culvert removals, new culvert excavations, reinforced box culverts installation and remedial batter and formation earthworks.

The project commenced in November 2013 and is not complete. The detour has been completed, existing piped culverts removed, excavations complete and box culverts delivered. Expenditure to date \$240,525

Remaining works is estimated at \$196,000. It was my intention to complete the flood mitigation works with remaining Regional Roads Block Grant Funding and complete the project so these new works can be commissioned.

SR3 Flood Mitigation Works

The project is funded by Roads to Recovery 2013/14 allocation of \$350,000. Council has not received this allocation. These flood mitigation works include detour construction, existing piped culvert removals, new culvert excavations, reinforced box culverts installations and adjacent causeway reconstructions.

Works to date include gravel crushing and culverts ordered. Expenditure to date \$194,033.

Remaining works is estimated at \$180,000. It was my intention to complete the flood mitigation works with remaining FAG Local Roads Component Funds and complete the project so these new works can be commissioned.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Various as displayed in the above table and project notes. Funding from the FAG Local Roads Component and Regional Road Block Grant were earmarked to meet the additional project costs that exceed funding from Roads to Recovery.

However, should the current financial analysis being undertaken show that these funds are not available the priority projects are completion of SR1 Bridges and the Yampoola Creek Flood Mitigation Works. SR3 Flood Mitigation works could be deferred.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

As required

RECOMMENDATION

That the Projects Report be recieved, and further;

That Council endorses the completion of these projects as follows:

- 1. SR1 Bridge Replacements – Remaining works to be completed and funded from the FAG Local Roads Component allocation \$125,000.*
- 2. MR68C Yampoola Creek Flood Mitigation Works – Remaining works to be completed and funded from the Regional road Block Grant Allocation \$83,000*
- 3. SR3 Flood Mitigation Works – Remaining works to be completed and funded from the FAG Local Roads Component allocation \$24,000*

10.5 SEALING CONTRACT – TENDER CDSC 2014/02

Summary

The purpose of this report is to update Council with information with respect to the tenders for the Bitumen Sealing Contract 2014 to 2015 Tender No CDSC 2014/02.

Commentary

Tenders applicable to the Bitumen Sealing Contract 2014 to 2015 Tender No CDSC 2014/02 closed on Friday 21st January 2014. Four tenders were received

Engineering staff are in the process of evaluating tenders; however this evaluation process has not been completed to date. Further evaluation of the two lowest tenderers is required before a recommendation can be made.

It is expected that the evaluations will be completed by Friday 21st February and a further report be presented to Council for consideration at that time.

(b)Financial Implications

Schedule of Rates that Tenderers have submitted directly affects the amount of work that can be carried out within budget constraints, both Council and Roads & Maritime Services.

(c)Legal Implications

Nil to report at this stage

(d)Community Consultation

Nil to report at this stage

RECOMMENDATION

That the Sealing Contract – Tender CDSC 2014/02 report be received and noted.

10.6 REGIONAL AVIATION ACCESS PROGRAM – TILPA AIRSTRIP FENCING UPGRADE

Summary

The purpose of this report is to update Council with information with respect to the submission for funding under the Regional Aviation Access Program (RAAP).

Commentary

Council applied for funding under the federal governments RAAP for the upgrade of the Tilpa Airstrip boundary fencing in July 2013. Correspondence has been received advising Council that the application was successful.

The project application was for total cost of \$59,800. The funding is based on a 50/50 contribution from Federal Government and Council, Councils share and contribution amount is therefore \$29,900.

Materials for the project are estimated at \$29,900. Plant and Labour was estimated at \$29,900 for the removal of old fence and installation of new.

Recent feedback from the Tilpa community representatives have indicated that the expected labour costs could be reduced by provision of work in kind by plant and labour on this project. In terms of sound project planning the Councils contribution amount still should be allocated from next years budget.

(b)Financial Implications

Councillors previously endorsed the project however did not specifically resolve in this manner or identify a matching funding source. Notwithstanding it is necessary works that should be included in next years budget.

(c)Legal Implications

Nil to report at this stage

(d)Community Consultation

Nil to report at this stage

RECOMMENDATION

That the Regional Aviation Access Program - Tilpa Airstrip Fencing Upgrade report be received, and further;

That Council allocates \$29,900 for the works in the 2014/15 budget and authorises the Acting General Manager to sign the letter of offer and works are undertaken next financial year.

10.7 BETTER BOATING PROGRAM 2013/14 ALLOCATION

Summary

The purpose of this report is to update Council with information with respect to the submission for funding under the Better Boating Program 2013/14 Allocation.

Commentary

Council applied for funding under the State Governments Better Boating Program for the construction of reinforced concrete boat ramps in Wilcannia and Tilpa. Correspondence has been received advising Council that the application was successful.

The combined project application was for total cost of \$157,000. The funding is based on a 50/50 contribution from State Government and Council, Councils share and contribution amount is therefore \$78,500.

Due to the nature of the construction works there is limited capacity for works in kind and the majority of the works would need to be carried out by contractors.

Grant conditions allow for works to be undertaken and completed in the next financial year however substantial progress on the project needs to be demonstrated by September 2014.

(b)Financial Implications

Councillors previously endorsed the projects however did not specifically resolve in this manner or identify a matching funding source. Considering Councils current financial circumstances, unless matching funds can be sourced from the 2014/15 budget can be identified then Council should not proceed with these projects.

(c)Legal Implications

Nil to report at this stage

(d)Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Better Boating Program 2013/14 Allocation report be received, and further;

That Council advises the Roads and Maritime Services that Council is not in a position to accept the funding offered under the Better Boating Program 2013/14.

10.8 WILCANNIA WATER SUPPLY & SEWERAGE AUGMENTATION – CIVIL WORKS ATTACHMENT 6

Summary

The purpose of this report is to advise Council of the status of the Wilcannia Water Supply and Sewerage Augmentation – Civil Works tender and financial implications of funding arrangements between Council and the NSW Office of Water.

Background

The Council dealt with this matter in late 2013 and the relevant Council report provides a comprehensive background to this project and is included as an attachment to this report.

Commentary

The Wilcannia Water Supply and Sewerage Augmentation (2012) - Civil Works, Contract No.CDSC 1/2014 was put out to tender on 14th December 2013 and closes on 14th February 2014. A mandatory pre-tender site meeting was held on Tuesday 14th January 2014 with an excellent turnout of 15 separate attendees.

The tender evaluation panel will conduct its evaluation of the submitted tenders as soon as possible following close of tenders and prepare a report for Council's consideration and endorsement of a preferred tenderer.

The tender panel evaluation considers a range of price and non-price criteria including financial capacity of the preferred tenderer to undertake this project.

The funding, payment arrangements and implications for Council's cash flow of directly managing this project has been discussed with the NSW Office of Water who have advised that a significant pre-payment of up to half the accepted tender amount will be made at project commencement with subsequent payment of remaining project funds at an appropriate time during the project.

Additionally the NSW Office of Water have indicated that approximately \$45k will be paid to Council for employees costs associated with management of the tender and subsequent contract.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

The Commonwealth Government's Remote Communities Water Supply and Sewerage Program provides 100% funding for the approved works. Arrangements with NSW Office of Water are extremely helpful in minimizing any negative impact on Council's cash flow by significant pre-payment of project funds and reasonable recompense of Council's direct employee costs in managing the project (\$45k).

(c) Legal Implications

There are no obvious or extraordinary legal risks associated with Council managing this project and Council had previously satisfied itself in relation to previous indemnity concerns.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Wilcannia Water and Sewer – Civil Works report be received and noted.

SECTION 11. MANAGER ENVIRONMENTAL SERVICES REPORT

11.1 INFORMATION ITEM

11.1.1 BOILED WATER ALERT

Over a period of 11 days from 23 January to 3 February the Wilcannia filtered water supply was on a boiled water alert. This was due to contamination from birds nesting in the reservoir and low chlorine levels which allowed E.coli to be present within the water supply. Following receipt of microbiological reports Council issued a voluntary boiled water alert and notices were distributed as letter box drop and also placed in strategic places in the town. The problem has since been rectified and the supply does not contain any further E.coli at this time. The boiled water alert has been lifted and regular sampling continues.

RECOMMENDATION

That the Information Items report be received and noted.

11.2 ENVIRONMENTAL SERVICES STATISTICS

Summary

This report provides a statistical summary of legislative activities undertaken by Environmental Services within December 2013 and January 2014.

Commentary

The statistics will be provided to Council on a monthly basis. The below table demonstrates results.

<u>Statistics for December 2013</u>	
Number DA'S Approved	2
Total Value of DA's approved	\$107,460
Food Premises Inspected	Nil
Animal Control Activities	Impounded = 9, Rehomed = 4, Returned to Owner = 0, Euthanized = 5 Registrations = 0, Microchipped = 0, Penalty Notices Issued = 0
Water Sampling	Microbiology Samples Collected = 6 Chemistry Samples Collected = 0 Disinfection By Products = 0 Non-compliant Samples = 0

<u>Statistics for January 2014</u>	
Number DA'S Approved	1

Total Value of DA's approved	\$5,000
Food Premises Inspected	Nil
Animal Control Activities	Impounded = 16, Rehomed = 5, Returned to Owner = 2, Euthanized = 9 Registrations = 1, Microchipped = 0, Penalty Notices Issued = 0
Water Sampling	Microbiology Samples Collected = 7 Chemistry Samples Collected = 0 Disinfection By Products = 0 Non-compliant Samples = 2

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Environmental Services Department Statistics for December 2013 and January 2014 report be received and noted.

11.3 TEMPORARY LICENCE – MENINDEE COMMON

Summary

This report outlines a request from R, E, M & K Holdaway to renew their temporary licence for use of a small part of the Menindee Common.

Commentary

Contact has been received from R, E, M & K Holdaway seeking to renew their temporary licence for 12 months to continue to use a small part of the Extension to Temporary Common at Menindee for parking and bush kitchen purposes. The current temporary licence has expired and the Holdaways are seeking to renew their licence to continue to utilise this small area of land. This temporary licence has been issued every year since the lodgement of their original request in 2007.

An inspection of the area has been carried out by Council staff, and no degradation of the local environment has been identified through the undertaking of this activity.

As noted in the Management Plan for the Menindee Common, the area is zoned as suitable for this purpose. It is also necessary for Council to consult with the DPI – Crown Lands Division prior to any

renewal being granted. As Council is Trust Manager of the Crown Reserve known as Part Reserve 3 for Extension to Temporary Common it is necessary for the Trust to enter into a temporary licence if the Holdaways are to continue to utilise this area.

(a) Policy Implications

The Management Plan for the Menindee Common covers this area. The area under the licence is zoned accordingly and allows the use to continue. The requirements of the management plan have been considered in this regard.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Licensee is to provide the Trust with a copy of their public liability insurance for the area.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Temporary Licence – R, E, M & K Holdaway, Extension to Temporary Common, Menindee report be received, and further;

That Council as Trust Manager renew the temporary licence with R, E, M & K Holdaway for a further 12 month period for use of Part Reserve 3 for Extension to Temporary Common for parking and bush kitchen purposes.

That relevant signatures and seal be applied to the temporary licence as required.

Summary

This report provides information on the request for a temporary licence for the White Cliffs Gymkhana and Rodeo.

Commentary

Council has received a Correspondence has been received from the White Cliffs Gymkhana Club requesting use of the White Cliffs Racecourse being Crown Reserve 30642 for the annual White Cliffs Gymkhana & Rodeo to be held on the 26th & 27th April 2014. The club have indicated they have secured their own public liability insurance cover and are willing to enter into any leases/licences required by the trust for use of the reserve. Council is the trust manager of the reserve. The reserve is west of the township and contains in the vicinity of 48 hectares, gazetted for the purpose of racecourse. Discussions with the Department of Lands indicate that the use of the reserve for horse sports and rodeo is suitable. It is also noted that the club are seeking to run flat races this year and advise they have suitable insurance coverage in place for the bush sprints. It is recommended that a copy of the relevant insurance policy is provided to Council. To enable the event to proceed on the reserve it is necessary for the trust and the White Cliffs Gymkhana Club to enter into a temporary

licence agreement. It is expected that the temporary licence would cover the timeframe from set-up to finish and include details such as cleanliness of the area, indemnity, public risk insurance, activities that can be carried out on the reserve by the Licensee and other standard clauses. It should also be noted that the gymkhana committee are also taking steps to undertake a risk assessment for this event.

(a) Policy Implications.

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Licensee is to provide the Trust with a copy of their public liability insurance for the area and relevant activities.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Temporary Licence – White Cliffs Racecourse report be received, and further;

That Council as the Trust Manager enter into a temporary licence with the White Cliffs Gymkhana Club to use Reserve 30642 located at White Cliffs for the purpose of the annual White Cliffs Gymkhana & Rodeo on 26 & 27 April 2014.

That copies of relevant insurances policies to cover all activities (including flat races and bush sprints) be provided to Council prior to the event indemnifying Council against all possible injury and accident related claims.

That relevant signatures and seal be applied to the temporary licence as required.

11.5 FRUIT FLY SIGNAGE - MENINDEE

ATTACHMENT 8

Summary

The purpose of this report is to provide Council with information on a proposal to erect fruit fly signage at Menindee.

Commentary

Contact has been made by a major fruit grower from Menindee regarding the presence of fruit fly within the Menindee district. It is alleged that the Department of Primary Industries is phasing out the monitoring of fruit fly in Menindee. It is noted that the highest risk to the spread of fruit fly is by human transportation i.e. tourists and backyard growers. As part of fruit fly awareness the fruit grower has obtained six (6) Fang the Fruit Fly signs from the Department of Primary Industries including posts. The signs are currently in Broken Hill and will be transported to Menindee. Council's

in-kind assistance is requested to erect the signs, including assistance with finding suitable locations for the signs, drilling of post holes and placement of signage. A number of seasonal flyers have also been provided and it was requested whether Council could distribute the flyers with our rates notices, particularly in the Menindee area.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Council would be required to provide in-kind assistance with site location and erection of the signage.

(c) Legal Implications

Development application for signage may be required.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Fruit Fly Signage report be received, and further:

That Council provide in-kind assistance with seeking suitable locations and erection of the supplied signage and posts.

11.6 COMPANION ANIMAL FEES

Summary

The purpose of this report is to provide a report on the latest advice received from the Division of Local Government relating to companion animal funding arrangements.

Commentary

The Division of Local Government has recently introduced a number of changes to the funding arrangements for local Councils as per amendments to the Companion Animals Regulation 2008. The changes are as follows;

Increases to cat and dog lifetime registration fees commencing 1 January 2014 as follows -

Desexed animal: \$49 (from \$40)

Non-desexed animal \$182 (from \$150)

Breeder concession: \$49 (from \$40)

Pensioner concession: (desexed animal only) \$19 (from \$15)

Lifetime registration fees will be annually indexed to CPI from 1 July 2014

The prescribed maximum fee for council inspections of restricted and dangerous dog enclosures will also increase to \$150 (from \$100) on 1 January 2014.

Other changes that impact on Council include modifications to the Companion Animal Register. It is also noted a new council grants program over three years from 1 July 2014 will be available to assist councils to proactively manage companion animal issues, including through local micro-chipping and

desexing programs. Lifetime registration forms have also been changed. Changes to internal Council documents have been made to address the legislative changes. It will also be necessary for Council to ensure the fees are included in future operational plans and budgets.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Increase in fees collected for lifetime registrations for dogs and cats to be included in 2014/15 Operational Plan

(c) Legal Implications

Companion Animal Regulation 2008 has been amended to reflect these changes.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Companion Animal Fees report be received, and further:

That Council provide adopt the following fees as per the Companion Animals Regulation 2008, effective from 1 January 2014 –

Desexed animal: \$49 (from \$40)

Non-desexed animal :\$182 (from \$150)

Breeder concession: \$49 (from \$40)

Pensioner concession: (desexed animal only) \$19 (from \$15)

Lifetime registration fees will be annually indexed to CPI from 1 July 2014

The prescribed maximum fee for council inspections of restricted and dangerous dog enclosures will also increase to \$150 (from \$100).

SECTION 12. FINANCE MANAGER'S REPORT

12.1 INVESTMENTS AND BANK BALANCES

Schedule of Investments and Bank Balances as at 31st January, 2014							
			Term	Interest Rate	Maturity		Amount
Deposits at Call							
	Westpac 11am Call Account						\$0
Total Investments as at 31st January, 2014							\$0
Bank Balances as at 31st January, 2014							
	General Fund						-\$1,050,069 OD
	(Overdraft limit: \$2,000,000)						
	Trust Account						\$6,190 In Funds
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).							

RECOMMENDATION

That the Schedule of Investments Report for the 31st January 2014 be received and adopted.

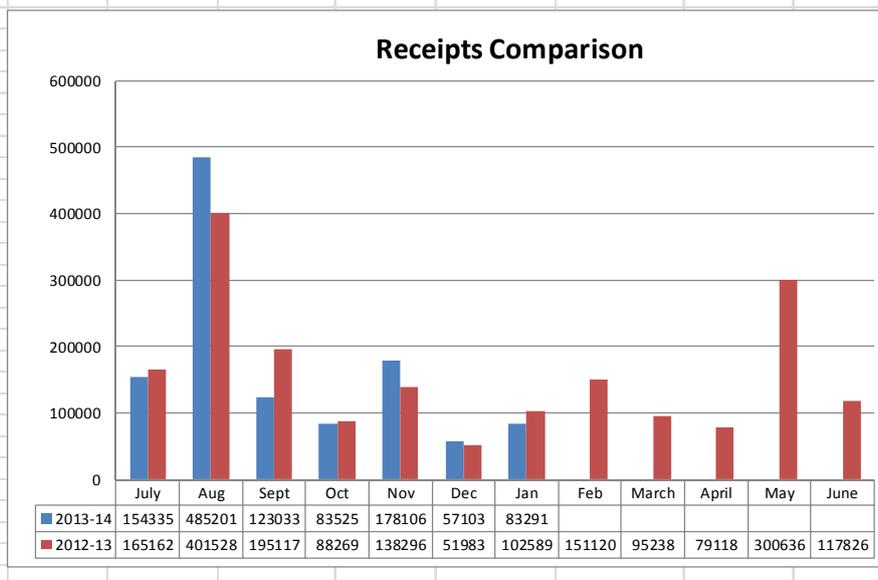
12.2 RATES REPORT

STATEMENT OF RATES and CHARGES as at 31 January 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	13,665	255,061	971,737	444,605	5,305	14,827		507,000
Special	33,602	1,229	23,303	58,134	22,501	12	0		35,621
Water	312,760	11,356	215,327	539,443	195,166	90	4,550		338,782
Sewer	105,430	3,067	55,295	163,792	61,952	14	788		101,038
Garbage	380,778	10,462	187,226	578,466	239,393	712	13,081		324,954
Excess Water	229,682	9,241	239,964	478,887	198,720	2,733	0		277,434
Charge on Land	672	0	15,251	15,923	2,263	284	0		13,376
Rates in Credit								(48,412)	(48,412)
TOTALS	\$1,765,936	\$49,020	\$991,425	\$2,806,381	\$1,164,601	\$9,150	\$33,245	(\$48,412)	\$1,549,793

THIS PERIOD	
Balance @ 30/11/2013	1,616,331
Interest raised	13,541
Water consumption credits	(390)
Supplementary levies	0
Receipts	(83,297)
W/Offs	(476)
Pensioner Rebates	0
Rates in Credit	4,084
Balance @ 31/12/2013	\$1,549,793
Net Movement	\$66,538

Aged Balances	Current	1 Year	2 Years	3 Years	4 Years	5 Years & Over	Interest	Rates in Credit	
31/12/2013	\$804,953	\$154,520	\$104,701	\$85,655	\$71,089	\$187,537	\$260,371	(\$52,496)	\$1,616,331
31/12/2013	\$725,928	\$152,731	\$104,309	\$84,768	\$71,056	\$186,873	\$272,540	(\$48,412)	\$1,549,793
Net Movement	-\$79,026	-\$1,789	-\$392	-\$887	-\$33	-\$664	\$12,169	\$4,084	(\$66,538)



RECOMMENDATION

That the Rates Collection Report for January 2014 be received and adopted.

12.3 SALE OF LAND FOR UNPAID RATES

Summary

This report provides an update on the Sale of Land for Unpaid Rates proposed for the 4th of April 2014.

Commentary

- On the 30th of January 2014 Council was interviewed by the Fraud & Cybercrime Squad of the NSW Police Force.
- The interview pertained to previous Council Sales of Land for Unpaid Rates in 2007 & 2008, with some eleven (11) properties purchased at these sales the subject of an ongoing Fraud Squad investigation.
- Council was advised that these properties may not be sold at the current time, but that this restriction may be lifted in three or four months.
- All the subject properties were to be listed in the Sale of Land for Unpaid Rates scheduled for the 4th of April 2014.

RECOMMENDATION

That the Sale of Land for Unpaid Rates report be received, and further;

That given the timeframe suggested by the Fraud Squad as to when the subject properties may be free to be sold, the Sale of Land for Unpaid Rates scheduled for the 4th of April 2014 be delayed to a later date, to be advised as soon as practicable.

12.4 WATER CONSUMPTION CHARGES

Summary

This report provides a comprehensive analysis of the current position with regard to water consumption charges. The report is current as at the 8th February, one full week after the previous water consumption charges were due.

Commentary

Council has 449 rate payers who may be issued an account for water consumption charges. At the date of this report the total amount owed was \$253,689. The following tables provide relevant information from which the conclusions are drawn.

Assessment Balance	No of assessments	Total outstanding
\$0.00	294	\$0
\$1 - \$250	66	\$7,337
\$251 - \$500	26	\$9,529
\$501 - \$1,000	16	\$12,497
\$1,001 - \$2,000	22	\$32,603
\$2,001 - \$5,000	12	\$42,291

\$5,001 - \$10,000	7	\$53,363
In excess of \$10,000	6	\$96,069
Totals	449	\$253,689

- This table shows clearly that a majority of rate payers who may be issued a water consumption account pay in full and on time or close to on time– ie 294 out of 449 or 65%. (The timing of the report allowed a week’s grace period, during which time \$8,223 in water payments were receipted).
- Historically, and with a couple of exceptions (deceased estates) the amounts owed up to \$1,000 will also be paid in full, albeit after the grace period. This raises the percentage to around 88%. It is clear therefore that the problem is with account holders whose balance is in excess of \$1,000, or the remaining 12%.
- These 47 account holders have debts of \$224,326 (88% of the total owed of \$253,689). The following table provides information relevant to these accounts.

No of assessments	Total outstanding	Status
8	\$105,000	Paying off by arrangement
1	\$5,000	Arrangement about to commence
4	\$3,335	Deceased estates with no funds
11	\$59,968	Properties proposed for sale
1	\$21,150	Error with original account. Will now be paid
8	\$12,141	Large rate payer. Will be paid
TOTAL = 33	\$206,594	

This leaves 14 ratepayers who between them owe approximately \$18,000, some of which will flow in late, the balance adding to the core problem, ie \$200,000 in water consumption charges that are carried forward each year. It is also apparent that many of the arrangements are not keeping pace with current water usage. This, together with interest charged, makes it likely that much of this balance of \$110,000 will be remain part of the carried forward balance.

Conclusions

- Efforts must be made to re-negotiate with those ratepayers whose arrangements are not reducing their overall debt.
- Reminder Notices followed by legal letters will be sent more regularly to slow payers.
- The properties proposed for sale must be accepted as part of the core problem until such time as the sale of land for unpaid rates can proceed. (See separate report.) The owners of all these properties no longer live in the Shire and efforts to recover monies – or in most cases even find the owners – is costly and ineffective.

RECOMMENDATION

That the Water Consumption Charges report be received and noted.

12.5 PROPOSED COUNCIL PURCHASE OF 9 BYRNES STREET, WILCANNIA

Summary

This report outlines the case for Council to purchase the old DOCS building at 9 Byrnes Street, Wilcannia.

Commentary – Background

Council is often approached about the availability of buildings to rent. With particular relevance to this report are several Non-Government Organisations (NGOs) who have recently approached Council seeking affordable office space in Wilcannia. Until just before Christmas 2013 we could only and unfortunately plead inability to help. The following sequence of events then took place:

- Council was asked if it was interested in purchasing 1 Brynes Street, Wilcannia. The offer was made by the property's owners, Government Property NSW, and was declined as the building is in a state of considerable disrepair;
- Council did however raise with Government Property NSW the possibility of purchasing 9 Brynes Street, Wilcannia, the old DOCS building and another property in their portfolio, and one which Council has been approached about on a handful of occasions;
- Email confirmation was sought expressing Council's interest in the property. This was sent on the 20th December, 2013, and confirmed on the 21st January, 2014, following a request to confirm things were still on track. The latter email details this report as the next necessary step in Council's process.

Commentary – Strategic Rationale

The purchase of 9 Byrnes Street, Wilcannia, with a view to renting it to one (or possibly both NGO's who have contacted Council) will **facilitate the provision of services to help realise quality opportunities**, as defined in our Mission Statement. Both NGOs share our Core Values, which, relative to this proposal, include:

- **Working together, and**
- **Caring for individuals.**

Furthermore, two goals in Council's current Community Strategic Plan would be enhanced should this proposal be acted on:

Goal 1 – A healthy and cohesive community receiving recognition and **supported by coordinated (and) appropriate services, and**

Goal 2 – A strong regional economy supported by... **increased employment.**

Both NGO's would bring (or keep) employment in Wilcannia, not only fly in-fly out workers, but locals, locals who in one case are being trained with a view to taking up a management positions.

Commentary – Financial Rationale

The financial rationale is simple – the rents being negotiated vs the prospective price would enable Council to fund the purchase out of cash flow, including maintenance and other ongoing costs, such as paying rates. This would not be another asset Council could not afford to maintain. Indeed an intrinsic benefit to the NGO's would be a visible 'street presence' in the town. As such, maintenance would be a key component of the long term plan.

Conclusion

- Referring back to the Community Strategic Plan, Goal 1 states that *'Central Darling Shire Council recognises the importance of services to our communities in relation to its social and cultural development and general well-being. The implementation of this goal will see improvements in the quality and outcomes of service provision in the region to address the communities' priorities.'*
- It cannot be denied that the current circumstances of the Council are difficult, the future uncertain. This should not stop Council from making bold decisions where they are financially responsible and socially beneficial.
- Council has organised for a valuation of the building. It is expected this will be provided in the near future. This valuation will include comments on work that may need to be carried out and may as such influence any offer made.

RECOMMENDATIONS

That the Proposed Council Purchase of 9 Byrnes Street, Wilcannia report be received, and further;

That Council proceed with the process of valuation of the property at 9 Byrnes Street.

That Council hold discussions with Government Property NSW to agree on a fair price for the property.

That Council continue discussions with prospective tenants regarding rent and terms.

That a report be presented to the March meeting of Council detailing the results of the above discussions, and more specifically setting out the financial implications of purchasing the property.

SECTION 13. CORRESPONDENCE

RECOMMENDATION

That the Correspondence for Council be received and noted.

13.1 MEDIA RELEASES

Date	Sender	Contents
8/01/2014	Minister for Local Government, Don Page MP	Local Government Panel, Taskforce Final Reports Released
23/01/2014	Member for Murray-Darling	15 Projects Underway in Murray Darling Schools During the Holidays.
27/01/2014	Member for Murray-Darling	Waste Less, Recycle More Grants Closing Soon
31/01/2014	Member for Murray-Darling	Williams Welcomes one Punch Assault Laws
12/02/2014	Member for Murray-Darling	Graziers in Central Darling Shire as well as Broken Hill and the Far West unincorporated area to receive Drought Assistance.

13.2 CIRCULARS/NEWSLETTERS

Sender	Date	Contents
NSW Government	8/01/2014	Circular: Release of final reports: Independent Local Government Review Panel and Local Government Acts Taskforce
NSW Government	4/02/2014	Circular: Approval of the Internal Audit Bureau as an alternative provider of conduct reviewers.
NSW Government	7/02/2014	Circular: Improvement and intervention Framework for NSW Councils

SECTION 14. THE RECEIPT OF REPORTS FROM COMMITTEES

RECOMMENDATION

That the MANEX Meeting Minutes dated Thursday 13th January 2014 be received and noted.

RECOMMENDATION

That the Wilcannia Cemetery Committee Meeting Minutes dated Saturday 1st February 2014 be received and noted.

Minutes of MANEX Meeting held Thursday 13th January 2014

Meeting Commenced at 9:30pm

Present:

Leeanne Ryan - Acting GM
Kane Kreeck – Works Engineer (WE)
David Cuming – Acting MCCD

Apologies:

Reece Wilson - MTES
Paul Gavin – Acting FM
Adelaide Elliott - EA

Minutes from Previous Meeting:

Nil

Governance:

Annual Financial Statements – Acting MCCD advised Council's Auditor to sign off on statements, then to be submitted to DLG.

Annual Report – Acting GM advised the 2012/13 Annual Report was still outstanding. It was noted that EA had been working on the document but was on leave; Acting GM requested a copy of the document to be forwarded to her ASAP for completion. Financial information still to be provided for the Annual Report – Acting MCCD to follow up.

Financial Management:

Acting MCCD provided an update on the overdraft, outlining the fluctuations from week to week. Considerable discussion was held on Engineering projects specifically related to roadworks, with updates provided by WE on RMCC. The WE advised that road contractors would be starting back on 21/1/14. The Acting GM instructed that engagement of road contractors is to be deferred until further direction is provided by the Administrator.

Risk Management:

Contractor Plant Hire inductions to be held 21/1/14.

Incident/Accident Reports:

Nil

Complaints

Levee to be looked at on Smiths Hill – WE to follow up.

Human Resource Management:

Nil

Other Business:

Acting GM gave an update on the Interim Administrator and advised arrangements for his visits.

The MANEX group considered a number of cost saving measures that could be further investigated.

WE advised the tenderers meeting for the Water & Sewer meeting was to be held 14/1/14.

Meeting Concluded at 10:40am

Minutes of the Wilcannia cemetery committee meeting held on 1-2-2014.

Deputy chair S.Evans opened the meeting at 11.10am

Present.

C.Elliott, B.Elliott, S.Evans, G.Bates, J.Pineo, S.Harris, Buddy Bates, J.Sammon, W.Bates

Apologies.

Paul Gavin

Minutes of the previous meeting were read.

Moved S.Evans, seconded C.Elliott that the minutes be accepted.

Matters arising.

Discussion on future layout of the cemetery re its expansion and what amenities will be required. Chris Elliott advised that herself and Shirley had met with Gordon at the CDSC and discussed this with him. Chris presented a plan which has been drawn up of what the layout will be. Noted that there are no immediate plans for this work to proceed.

Discussion on headstone restoration and the notification of "burial rights owners" prior to attempting to make repairs to headstones. Bill Elliott volunteered to talk to the BDT re the possibility of doing an article on some of the history at the Wilcannia cemetery. It would be hoped that in this article mention can be made about the restoration plans in the hope that some families may come forward about any suggestions/concerns that they might have.

General business.

Lengthy discussion on the work for the dole program and what the committee are happy for the participants to do. Shire has asked the committee for a wish list of jobs that they would like done. Committee has put up a number of suggestions for the secretary to give to the shire to pass on to the persons running this program.

Meeting closed at 11.40 AM

Bined

SECTION 15. DELEGATES' REPORTS

RECOMMENDATION

That the Delegates' reports be received and noted.

SECTION 16. QUESTIONS WITH NOTICE

RECOMMENDATION

That the Councillors' Questions with Notice be received and noted.

SECTION 17. URGENT BUSINESS

SECTION 18. 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 19. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 11th March 2014 in Wilcannia at 9:00am.
