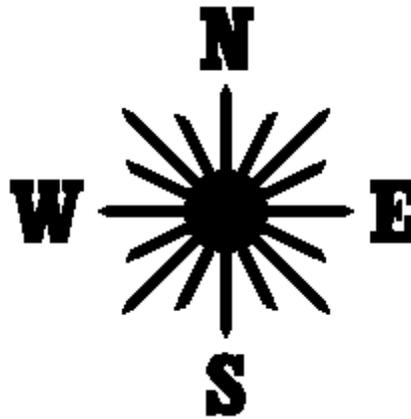


## Mission Statement

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

**Friday 20<sup>th</sup> June 2014 at 9:00am**

**In the Council Chambers**

**Wilcannia**

**Council dedicated to serving its Communities**

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

The Ordinary Meeting of Council will be held in the Council Chambers, Wilcannia on Friday 20<sup>th</sup> June 2014 commencing at 9:00am.

A citizenship ceremony will take place before the commencement of meeting.

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## SECTION 1. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

### ***RECOMMENDATION***

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

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

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

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

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

## SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### ***RECOMMENDATION***

***That the minutes of the Ordinary Meeting of the Council held on the 20<sup>th</sup> May 2014, be taken as read and confirmed as a correct record of the proceedings of the meeting.***

### 3.1 BUSINESS ARISING FROM MINUTES

## SECTION 4. ADMINISTRATOR MINUTE REPORT

### **Conclusion of Suspension**

The Council meeting today represents the last day of my period as Administrator of Central Darling Shire Council. The suspended councillors are due to return to office on Monday 23 June 2014.

Despite the complexities and challenges of returning the Council to some form of sustainability, and its distance from my normal home base, I have enjoyed my time working for the Shire and striving to improve its financial situation.

I would particularly like to thank the staff of the Council who have committed to the change process with good grace and enthusiasm in most cases. My interaction with a number of the suspended councillors has been cordial and respectful and I thank them for that. Similarly, my interactions with many residents of the Shire has always been productive and helpful and, for that, I am also grateful.

The interim General Manager, Brian Wilkinson, has been a major contributor to the work of getting the Council back on track. Brian is a pragmatic and experienced General Manager who has built respectful relationships with all who have a role to play in the Council's recovery. I am deeply grateful for his decision to accept the challenge and come out to Wilcannia to assist in the process. Brian also completes his time with the Shire today.

At the conclusion of today's Council meeting I have invited the suspended councillors to a private briefing to bring them up to date with the actions undertaken during the suspension period as well as the work still required to be completed. That briefing will also be attended by representatives of the Office of Local Government.

### **Recruitment of a Permanent General Manager**

Interviews for the position of permanent General Manager were conducted on 20 May 2014 and one candidate was selected as the "preferred candidate". That candidate was then subject to extensive background, reference and personal testing to ensure that he was an appropriate person to undertake the position. These "hurdles" are quite normal these days and do not reflect on the candidate adversely at all. They do, however, take some time to complete.

At the time of writing, those checks had not been able to be completed however I am hopeful that by the time of the Council meeting I will be in a position to make an announcement.

### **Achievements During the Period of Suspension**

It is not my intention to boast – and I can certainly not accept much of the credit – however the Shire Council is in a much better financial position now than it was in December 2013. Perhaps the single biggest indicator is that the cash flow forecast (made in December 2013) for the month of May 2014 showed a negative cash position of \$3.1 million. In reality, in May, the overdraft was at an average of -\$200,000 and in fact was positive for a few days. This is a significant turnaround. The real challenge will be to rid the Council of its overdraft dependence and re-establish cash funded operations, reserves and working capital. This will require surplus budgeting for the next few years at least.

Other improvements include;

- A new organisational structure providing improved focus has been adopted
- The first quarterly review in two years was reported to Council in May 2014
- A balanced and realistic 2014/2015 budget has been exhibited and should be adopted at this meeting

- Substantial progress has been made in rebuilding governance and financial systems
- The staff establishment has been reduced from 67 to 60 through natural attrition
- Improved financial controls have been implemented and service levels have been reviewed
- Outsourcing and resource sharing opportunities are being explored

#### **Central Darling Shire Council Recovery Plan 2014**

Part of my brief, as Administrator, has been to leave behind a detailed plan for the continuation of the work that I have commenced. First three months, and then six months have flown past and I have not been able to complete as much as I would have liked. That is partly as a result of the extremely optimistic targets that I set myself but largely as a result of the poor records and information previously retained by the Council's systems. In particular it has taken some time to build financial data and information in which we could have some confidence and on which we could rely. Mr Jeff Foster has been an asset in that respect.

As a result, the Recovery Plan has many more elements still to be implemented than I would have liked. Nevertheless, it contains some direction for the returning Council and the new General Manager in continuing the work of the past six months. It is vitally important that the new and returning regime work with commitment, rigour and discipline to implement the Plan. The risk of failing to adhere to the plan is the ultimate failure of the Council itself and the implications, to the community, could be dire.

I have submitted my Recovery Plan to the Minister as part of the statutory s.438N report that I am obliged to provide as a term of my administration. It contains about thirty specific High Priority Requirements to be implemented in addition to a number of other recommendations that I believe the Council should consider. It will, no doubt, be made publicly available in due course by the Minister and the Office of Local Government.

#### **Finally . . .**

I extend my very best wishes to all of those working to maintain and improve the quality of life of the citizens of the Central Darling Shire - staff, Councillors, community groups and citizens alike. I have become fond of the people of the district, the landscape and its institutions. I hope that the future is everything that you would wish it to be.

#### ***RECOMMENDATION***

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

## SECTION 5. DETERMINATION REPORTS

### 5.1 ALCOHOL FREE ZONE- WILCANNIA

#### **Summary**

The purpose of this report is for Council to adopt an Alcohol Free Zone for Wilcannia.

#### **Commentary**

Council at its' April 2014 Meeting resolved to advertise and progress its' proposal to establish an Alcohol Free Zone in Wilcannia until August 2018.

Since the April Meeting action has been taken to notify and advertise the proposal in accordance with the requirements of the Local Government Act. The submission period closed on 21 May 2014.

During the advertising/ consultation period no information has been received that requires council to adjust its' approach on this matter.

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

Nil

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

Council will incur costs to update the existing signage (with the revised dates of the alcohol free zone).

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

The processes required to establish the alcohol free zone have been followed in actions undertaken by Council.

#### **(d) Community Consultation**

The proposed alcohol free zone has been advertised and correspondence forwarded to the Police, Licenced Premises and the Anti Discrimination Board (as required by legislation).

#### ***RECOMMENDATION***

***That Council approve the designation of an Alcohol Free Zone in Wilcannia that includes all made and maintained public roads and footpaths for the period 26 August 2014 to 25 August 2018.***

### 5.2 OPERATIONAL PLAN 2014/15

### ATTACHMENT 1

#### **Summary**

The purpose of this report is to present to Council the proposed Operational Plan and Budget for the 2014/2015 financial year.

#### **Commentary**

As reported to the May 2014 Meeting Council adopted in June 2013 its:

- Annual Operational Plan 2013/2014
- Four Year Delivery Program 2013/2017
- Ten Year Community Strategic Plan 2013/2023

The Annual Operating Plan 2014/2015 is required to outline the activities Council proposes to undertake in the upcoming year (2014/15), as part of its delivery program. The document also includes Councils' proposed revenue policy and budget estimates for the 2014/15 year.

The preparation of a Draft Operational Plan was reported to the May 2014 Meeting of Council and was adopted to provide for public exhibition and submissions. The public exhibition period commenced on 20 May 2014, with submissions closing 18 June 2014.

At the time of preparation of this report the following submissions had been received in respect to the draft document:

Lorraine Looney; expressing concern at reduction in swimming pool program (safety of children and heat conditions) and that council had not provided a budget allocation for public conveniences sporting grounds, street cleaning. *It appears that the Income and Expenses (by function) section has been misread i.e. that the income column for the programs has been regarded as the budget allocation.*

Ivanhoe Community Working Party; raising concern at the impact of reduction in pool operating hours (limit swimming lessons, one of few recreational facilities available in the area, health issues if youth resort to using local dams). The correspondence indicated the Working Party would like to work with Council in trying to find any other alternatives to cutting back the Ivanhoe pool operating hours. *This request from the Community Working Party is recognized and the aim with pool operations is to work with the respective communities to achieve outcomes (with their assistance).*

Given that this report has been prepared prior to the closing of the public exhibition period an update on submissions received will be provided at the council meeting.

The proposed operational plan and budget has been prepared to meet the financial constraints of Council, but still aims to provide core services at an acceptable level and the following:

delivering a budget with a small surplus

taking account of the cash flow situation

attempting to retain as many of the existing programs/ services as possible and providing a basis from which Council can progress to rebuild its service levels and improve its financial position; this includes maintaining current staff levels (given that a number of positions remain unfilled and that key positions will need to be recruited)

considering the issues raised by the NSW Office of Local Government and in the RSM Bird Cameron report

providing funding for projects that council has previously received grant funding for and had been unable to complete in the current year

taking consideration of submissions received during the public exhibition period of the draft operational plan

Given the financial circumstances of council the budget adopted by Council will need to be monitored closely and that budget allocations be the key control mechanism i.e. budget amounts will need to be adhered to throughout the year with any expenditure variances covered by transfer/ adjustments from other budget items.

As reported to the May Meeting In preparing the draft budget for 2014-15 an initial budget document was prepared on the basis of retaining all existing service levels and some desirable

projects. This projected an initial budget deficit of \$853,000. In order to achieve a “balanced” budget the following items were adjusted/ deleted to enable a sustainable financial projection for the coming year:

desired capital expenditure on the replacement of plant and equipment had to be reduced significantly (\$150,000)

proposed capital expenditure for stormwater drainage had to be deleted

the heritage program that has operated in recent years to assist with the restoration of historical buildings etc has not been retained

the Minor Grants Assistance Scheme that has previously had funding for community groups has not been included

adjusting corporate and environmental operational programs from what was initially considered as required service levels

engineering operational programs were reduced from that initially considered desirable

adjusting the Rural Fire Service(RFS) contribution due to a revised estimate from RFS

the capitalization of wages for staff time to be allocated to capital projects

a further review of projected wages/ salaries costs

the operational costs provided for the various pools across the council area have been reduced by \$200,000 (from \$457,000). This will necessitate an adjustment to pool opening hours and also changed management processes. In that regard liaison with communities will be undertaken to assist with ensuring more stable staffing of the facilities (including via volunteers)

reducing expenditure on the local roads program by \$175,000

During the public exhibition period of the Draft Operational Plan a further review and analysis of the proposed budget has been undertaken and submissions received at the time of preparation of this report taken into account. In that regard the following changes have been made to the draft operational plan; those changes are reflected in the attached Operational Plan 2014/15 document:

the anticipated amount of Financial Assistance Grants to be received has been increased by \$101,000 to align with estimated figures provided to council

provision has been made for the continuation of the Local Heritage Program; this change has been made as it is considered that the tourism and economic development of Central Darling Shire will need to be linked to existing heritage features. The Local Heritage Program will enable improvements to heritage aspects in the area and the net expenditure (of \$15,000) on the program is considered relevant. In addition, the costs of the use of a Heritage Advisor as part of the program is shared with Broken Hill City Council and therefore adds value to their program as well.

An amount of \$15,000 has been included to continue area promotion through participation in promotion and advertising of the area. In this regard as indicated above tourism and heritage have the capacity to be economic drivers for the Shire area and accordingly participation in area promotion is warranted. Additionally there is a current project being undertaken through Regional Development Australia that has a focus on regional economic and tourism planning that includes the Central Darling Shire. The specific purpose for the allocation of the funds will need to be determined based on getting value for the funds allocated.

As a result of the adjustment in the anticipated financial assistance grants it is proposed that an additional \$34,000 be allocated to the Local Roads Program.

As a result of those changes an Operational Surplus of \$ 100,000 is now projected for 2014/15. It needs to be noted that further work is currently underway in relation to the depreciation of Council assets. At some time that review will need to be finalised and reflected in councils' financial reports.

In addition, it needs to be noted that Council has had communications from Roads and Maritime Services in regard to potential funding for the Regional Roads Repair Program 2014-15. The verification of this funding will not be received until the adoption of the State Budget. Accordingly, any changes to the budget in respect of the program will be included as part of the Quarterly Budget review as at 30 September 2014.

Similarly, it is understood from recent media release and correspondence that the Federal Government has committed to Roads to Recovery Program Funding. Any Changes to the actual allocations for Council in that regard will also be included as part of the September Quarterly Review.

The proposed rates and charges shown in the operational plan provide generally for a 2.3% increase (in accordance with the rates increase approved by the Independent Pricing and Regulatory Tribunal for all local government areas across NSW).

**(a) Policy Implications**

There are no policy implications involved from this report, although it needs to be noted that some of the necessary changes in income and expenditure, service levels and the like may contradict previous council policy positions and/or Councils' Strategic Planning documents.

**(b) Financial Implications**

The financial implications are mentioned elsewhere in this report i.e. that having regard to the need for improved financial management by council there will need to be ongoing monitoring of cash flow and income and expenditure variances.

**(c) Legal Implications**

The requirements of the Local Government Act and Regulations have been met in placing the draft Operational Plan document on public exhibition, inviting submissions and considering those submissions as part of this report and in considerations of it at the council meeting.

**(d) Community Consultations**

Community Consultation requirements have been met by the public exhibition of the draft operational plan document. No further consultation is required although a copy of the adopted operational plan will need to be placed on councils' website.

***RECOMMENDATION***

***That Council:***

***1. Adopt the 2014/15 Operational Plan and Budget***

***2. That in relation to the Operational Plan and Budgets, the following determinations be made :***

- *In accordance with section 406 of the Local Government Act 1993, Council adopt the 2014-2015 Operational Plan and budget as described and amended in the body of this report.*
- *In accordance with part 9, division 5, clause 211(2) of the Local Government (General) Regulation 2005, Council approve expenditure and vote funds as detailed in the 2014-2015 Operational Plan and Budget subject to the amendments as outlined in the body of this report.*
- *Submissions received in relation to the 2014-2015 Draft Operational Plan and Budget be received and noted and that responses be made in relation to the submissions.*
- *In accordance with sections 494, 518 and 515 of the Local Government Act 1993, Council make and levy the following ordinary rates for the 2014-2015 year as follows :*
  - Residential Rate 0.078994710 cents in the dollar*
  - Business Rate 0.082350590 cents in the dollar*
  - Farmland Rate 0.00288915 cents in the dollar*
  - Minimum Rate \$122.50*
- *In accordance with the Local Government Act 1993 Council make and levy the following special rates:*
  - Wilcannia 0.04826900 cents in the dollar*
  - Menindee 0.01337200 cents in the dollar*
  - White Cliffs 0.02326900 cents in the dollar*
  - Ivanhoe 0.07998700 cents in the dollar*
  - Minimum Rate \$2.00*
- *In accordance with sections 501 and 502 of the Local Government Act 1993, Council make and impose charges for water supply services in 2014-2015 as described in the Operational Plan and Budget 2014-2015*
- *In accordance with sections 501 and 502 of the Local Government Act 1993, Council make and impose charges for sewerage services in 2014-2015 described in the Operational Plan and Budget 2014-2015*
- *In accordance with sections 496, 501 and 502 of the Local Government Act 1993, Council make and impose charges for waste management services in 2014-2015 as described in the Operational Plan and Budget subject to the amendments as outlined in the body of this report*
- *Council make and impose the maximum charge for interest on overdue rates and charges as determined by the Minister for Local Government, in accordance with section 566(3) of the Local Government Act 1993*
- *Fees and Charges for the use of services provided by the Council as detailed in the Operational Plan and Budget 2014-2015 (and as amended in this report ) be adopted in accordance with section 502 of the Local Government Act 1993*

- 3. Council note that the Community Strategic Plan 2013/14- 2022/23 and Delivery Program 2013/14-2017/18 incorporated in the 2014/15 Operational Plan and Budget had been previously adopted by Council in June 2013**
- 4. Council place a copy of the adopted Operational Plan 2014/15 document on its' website,**

## 5.3 DELIVERY PROGRAM REVIEW

## ATTACHMENT 2

### Summary

This report provides information in respect of progress with Councils' Delivery Program (as at June 2014).

### Commentary

In June 2013 Council adopted (in accordance with the Integrated Planning and Reporting provisions of the Local Government Act) an Annual Operational Plan 2013/2014, a Four Year Delivery Program 2013/2017, and a Ten Year Community Strategic Plan 2013/2023. The aim of these documents are to guide the achievement of the strategies listed in the Community Strategic Plan. This is done by having an annual operational plan that progresses towards achieving the aims with each four years of a council term defining what will be delivered towards the Community Strategic Plan objectives in that term.

The progression of the Delivery Program is to be monitored by Council throughout its' term of office. Section 404 of the Local Government Act states as follows:

*The General Manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.*

Accordingly, reviews of the Delivery Program are due in June and December of each year. There has been no report provided to council in relation to the adopted delivery program previously. Therefore this report has been prepared based on progress to June 2014.

Attached is a document providing commentary against each of the Delivery Program strategies. The document indicates progress with items to date and also has some comments on the proposed progress of matters. It is important that council continues to reference the direction on various programs/ services that are included in the document.

As has been reported to Council (at the May 2014 Meeting as part of the Draft Operational Plan adoption) there has been no changes made to date to the Delivery Program and Community Strategic Plan documents previously adopted by council. However, both documents require review.

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

No policy implications in relation to this report.

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

No financial implications result from this report.

**(c) Legal Implications**

The reporting of the Delivery Program status complies with the requirements of the Local Government Act.

**(d) Community Consultations**

No community consultation on this item required.

***RECOMMENDATION***

***That Council note the status of the Delivery Program as at June 2014.***

**5.4 DELEGATIONS TO THE POSITION OF GENERAL MANAGER ATTACHMENT 3**

**Summary**

This report provides information to enable council to establish an instrument of delegation for the General Manager.

**Commentary**

Section 377 of the Local Government Act 1993 enables council to resolve by resolution powers that it wishes to delegate to the General Manager. This section also identifies matters that cannot be delegated.

Section 378 of the Act provides for General Manager to sub delegate functions to other persons or body including staff/ employees.

It is proposed that council establish an instrument of delegation by resolution; that instrument can then be used for holders of the General Manager position.

A copy of the proposed instrument of delegation is attached.

**(a) Policy Implications**

A resolution by council consistent with the recommendation of this report will revoke all previous delegations and create the opportunity for the General Manager to define delegations for all staff levels.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

The instrument of delegation when adopted will comply with the provisions of the Local Government Act 1993.

**(d) Community Consultation**

No consultation is required on this item.

**RECOMMENDATION**

***That Council approve the instrument of delegation for the position of General Manager included as an attachment with this report.***

5.5 COUNCIL MEETING JULY 2014

**Summary**

Council has a schedule for council meetings and the locations at which they will be held. This report provides for consideration in relation to the meeting scheduled for 15 July 2014.

**Commentary**

The July Meeting is listed to be held at Sunset Strip. As the July Meeting will be the first meeting of Council since the end of the councillor suspension period it is proposed that such meeting be held in Wilcannia.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**Community Consultation**

Consultation not required.

**RECOMMENDATION**

***That Council resolve to conduct the July 2014 Meeting in Wilcannia***

5.6 SES – APPOINTMENT OF VOLUNTEER CONTROLLERS

**Summary**

The purpose of this report is to advise Council of correspondence received seeking support for the appointment of Georgia Shephard as SES Unit Controller in Menindee.

**Commentary**

The NSW State Emergency Services Region Controller is seeking Council's support for the appointment of the current acting unit controller at Menindee to the role on a permanent basis. The correspondence received indicates that the performance of the acting unit controller has been most satisfactory (which has been over the past year).

**(a) Policy Implications**

No policy implications.

**(b) Financial Implications**

No financial implications.

**(c) Legal Implications**

Council endorsement of the proposed Unit Controller will enable finalisation of the appointment through NSW State Emergency Services.

**(d) Community Consultation**

Community consultation not required on this issue.

**RECOMMENDATION**

***That Council support the appointment of Georgia Shephard as Volunteer Unit Controller at Menindee.***

**5.7 WHITE CLIFFS SOLAR POWER STATION**

**Summary**

The purpose of this report is to provide information on the proposed transfer of the White Cliffs Solar Power Station from Essential Energy to Central Darling Shire Council. This matter has been previously considered and determined by Council, however, further relevant information warrants reconsideration of councils' position on the matter.

**Commentary**

In February of this year Council considered a report on this matter and resolved as follows:

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

The report to the February 2014 Council Meeting stated:

*"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."*

*"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."*

Following the advice of councils' decision to Essential Energy further discussions on the matter has indicated that lack of ownership of the area by council would have other impacts as the area proposed for transfer includes land on which council infrastructure exists i.e. depot and filtration plant.

Councils' Acting Director Shire Services was requested to undertake a site assessment (including the check of site surveys); this has resulted in the following information being provided by the Acting Director:

" It appears that Council infrastructure is located on subject land.

If Council were to own/ manage the site, in my opinion, the following costs would be incurred

- Fences – chain link condition good, allow \$1000 every 5 years for repairs. No immediate cost.
- Vegetation – No maintenance required however if it was to be cleared cost would be \$1000 per year (or put some goats in there)
- Water tanks – No cost, fair condition
- Pump shed – roof repair \$500
- Solar dishes – No cost, fair condition
- Retaining Walls – No immediate cost, rock/ concrete fair condition
- Underground diesel tank – not sure of requirements but above ground retaining wall around pipes/ valves OK
- Structures – engine room, steam room, control room, tourist show room all ok. Roof OK
- Toilets – OK, need cleanup

Note; the items listed above reflect maintenance as is. If Council were to improve the site for further tourism the following may be required (or considered)

- \$5000 to paint solar dishes every 5 years
- \$5000 to repair rock/ concrete retaining walls, cleanup vegetation and improve (plants and irrigation) garden beds
- \$3000 to reconnect water supply to toilets – not connected at present and not useable, a break in the line needs to be found and repaired
- \$1000 to cleanup all structures and rooms

Further, there may be opportunity to have an agreement with the local tour operator to maintain/ clean access path and tourism show room. A bus load of people were visiting when I was up there and he has obvious benefits from having use of the site."

In view of this information it is considered that council should seek to recommence negotiations with Essential Energy for the transfer of the land to council (as had previously been the direction being taken). In that respect the proposed land transfer documents previously submitted to council are not unfavourable.

**(a) Policy Implications**

Nil to report at this stage.

**(b) Financial Implications**

Some minor costs involved with the facility, however, these can be absorbed as part of councils' depot and filtration plant budget allocations.

**(c) Legal Implications**

The land transfer documents will cover the appropriate land transfer issues; should council not proceed with the proposed transfer alternate arrangements would need to be made in respect to tenure of the depot and filtration plane area.

**(d) Community Consultation**

Consultation not required however liaison with local tourism operators in respect to future use of the site will need to be undertaken.

**RECOMMENDATION**

***That Council notifies Essential Energy that it wishes to resume processes to transfer the White Cliffs Solar Power Station to Council.***

***Further that:***

***- Council authorise the General Manager to progress the transfer of land documents and subject to concurrence by councils' solicitor (and the transfer arrangements being beneficial to council ), arrange for the completion of the transfer documents under the Common Seal of Council***

***- Discussions commence with White Cliffs community representatives relating to the use and maintenance of the "tourism" show room***

**5.8 COMMUNITY TRANSPORT SERVICE ARRANGEMENTS/ CONTRACT**

**Summary**

The purpose of this report is to provide Council with an update in relation to the Community Transport Service/ Program.

**Commentary**

At the May 2014 Meeting it was resolved by Council ***to advise Transport NSW that it wishes to terminate the existing Community Health Bus Services Contract as at 30 June 2014 for Menindee and Wilcannia. In that regard Council urges Transport NSW to have strong local content in the future operation of those services.***

***Further that Council advise Transport NSW that it proposes to continue with the operation of the Ivanhoe service, and that it would like to negotiate***

*arrangements to repay the funds received for the purchase of new buses at Menindee and Wilcannia.*

*Further that council arrange termination of the existing Menindee and Wilcannia sub contract services.*

The outcome of councils' resolution was communicated to Transport NSW and the bus contractors for Menindee and Wilcannia. On 27 May 2014 advice was received from Transport NSW that they required additional time to transition the service and requested council to continue existing arrangements until 31 July 2014.

The necessary arrangements have been put in place with the Menindee and Wilcannia bus contractors for that occur.

In addition to requesting continuation of the Menindee and Wilcannia services until 31 July 2014 Transport NSW also advised as follows:

*"We also wish to bring to the attention of Council that it is the intention of Transport for NSW to accept the relinquishment of the full contract with Council – that is, the Ivanhoe, Menindee and Wilcannia services. As Council is keen to provide service to the Ivanhoe community, we will ask the proposed Service Provider to consider sub-contracting Council to provide this service. Obviously, this option would need further discussion between Council and the provider".*

The proposed inclusion of Ivanhoe in the contract transfer was contrary to councils' resolution; in that regard it is considered that the retention of the Ivanhoe contract is integral to other community service provision at Ivanhoe and is desirable for both council and the community that the status quo at that location be retained. Accordingly, councils' views in that respect were communicated to Transport NSW. On 11 June 2014 advice was received from Transport NSW that a decision had been made to provide for Council continuing the Ivanhoe Service until at least 30 June 2018 (the completion date of the current contract).

**(a) Policy Implications**

No policy implications at this time.

**(b) Financial Implications**

Council will need to maintain the program operations for the remainder of the current financial year and continue to provide governance for the continuation of the Ivanhoe Program. In addition Council will need to negotiate repayment of the funding provided for the purchase of new buses.

**(c) Legal Implications**

As part of the contract obligations council has arranged to terminate the sub contract arrangements for the Wilcannia and Menindee services.

**(d) Community Consultation**

The Community Access Transport arrangements are important to the Central Darling Shire community. Discussions with Transport NSW and other stakeholders will include issues around the best way to ensure sustainability of the services. In that regard representatives of Transport NSW and the new contract provider were in Wilcannia on 11 June 2014 to discuss transition

arrangements. As part of that visit the opportunity was provided for Wilcannia Transport users to meet with them.

### ***RECOMMENDATION***

***That Council note the status of the community transport program and endorse continuation of arrangements to retain the Ivanhoe component of the contract.***

## **5.9 ALCOHOL FREE ZONE – MENINDEE AND IVANHOE**

### **Summary**

The purpose of this report is for Council to initiate action to renew the Alcohol Free Zones currently in place at Menindee and Ivanhoe.

### **Commentary**

Council at its' December 2011 Meeting resolved to adopt Alcohol Free Zones in Menindee and Ivanhoe for a period of 4 years. However, a recent inspection of the current AFZ signage in those locations shows that the AFZ period expires on 1 October 2014.

Accordingly, it is proposed that Council initiate action to renew the zones for four years from that date. The proposed AFZ at Ivanhoe is described as:

- **All of Raleigh Street from Wills Street to Behring Street**
- **Columbus Street from Wills Street to Behring Street**
- **All of John Street**
- **All of Elkington Street**
- **All of Robert Street**
- **Wills Street from Columbus Street to Raleigh Street**
- **Bourke Street from Columbus Street to Raleigh Street**
- **Kennedy Street from Columbus Street to Raleigh Street**
- **Cook Street from Columbus Street to Raleigh Street**
- **Behring Street from Columbus Street to Raleigh Street**

The AFZ area in Menindee is defined as:

- **All of Noloira Street from Nora Street to Bourke Street**
- **All of Menindee Street from Nora Street to Maiden Street**
- **All of Yartla Street from Nora Street to Landells Street**
- **All of Paringa Street from Nora Street to Landells Street**
- **All of Pruella Street from Haberfield Street to Landells Street**
- **All of Bear Street from Noloira Street to Menindee Street**
- **All of Cole Street from Menindee Street to Nora Street**
- **Nora Street from Noloira Street to Paringa Street**
- **Haberfield Street from Noloira Street to Pruella Street**
- **Perry Street from Noloira Street to Pruella Street**
- **Bourke Street from Noloira Street to Pruella Street**
- **Landells Street from Menindee Street to Pruella Street**
-

Should council resolve to advertise the extension of the AFZ Zones then public exhibition of the proposal will be required. Consultation will also be required with various organizations in order to comply with legislative requirements.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Council will incur costs to update the existing signage (with the revised dates of the alcohol free zone).

**(c) Legal Implications**

The processes required to establish the alcohol free zones will be followed in actions undertaken by Council.

**(d) Community Consultation**

The proposed alcohol free zones will be advertised and correspondence forwarded to the Police, Licenced Premises and others (as required by legislation).

**RECOMMENDATION**

***That Council approve the proposal to re-establish the existing Alcohol Free Zones in Menindee and Ivanhoe for a period of four years from 1/10/2014 to 30/9/2018. The proposed zones to include all made and maintained public roads and footpaths in the areas outlined in this report. Further that the proposals be advertised and placed on public exhibition in accordance with legislation.***

**5.10 MODEL REPORT ON S88 WASTE AND ENVIRONMENT LEVY OPTIONS PAPER**

**Summary**

The issues and implications relating to the four options have been discussed at length at a recent NetWaste Meeting and Council staff have formed the view that option 3 is the preferred option as it is the one least likely to have negative impacts on the local community

A submission will be prepared by staff in support of this option and presented to Government in the prescribed form by the closing date, 20<sup>th</sup> June 2014.

**Options** – Council has the option of preparing a submission in support of one (or more) of the options contained in the Options Paper or not preparing a submission.

Council could also engage with the local State member and seek support in promoting its preferred option.

**Commentary**

Under Section 88 of the *Protection of the Environment Operations Act 1997* (POEO Act), occupiers of certain scheduled waste facilities are required to pay the waste and environment levy.

Originally relevant only to the Sydney Metropolitan Area (SMA) and then to the Extended Regulated Area (ERA) (Illawarra to the Hunter) the levy was further expanded in July 2009 to incorporate what is now known as the Regional Regulated Area (RRA) and includes the north coast local government areas from Port Stephens to the Queensland border as well as the Blue Mountains and Wollondilly Local Government Areas.

From 1<sup>st</sup> July 2009, Councils in the Regional Regulated Area affected by the expansion of the waste and environment levy were required to pay the levy that started at \$10 per tonne and increased annually for seven years by \$10 per tonne plus CPI. For 2013/14 the rate applicable is \$53.70 per tonne. From 2016/17 onwards the levy will be increased only by the CPI and will be in the order of \$78 by that time.

The waste and environment levy is intended to encourage resource recovery and recycling of waste. It is generally added to the disposal charges set by landfill operators and to the Domestic Waste Management Charge applied by Councils and is designed to provide businesses, councils and individuals with an incentive to reduce the amount of waste they generate and to promote legitimate alternatives to landfill disposal.

In 2012 the NSW Government commissioned consultants KPMG to undertake a revision of the waste and environment levy and to come up with recommendations that would be seen to improve the application of the levy and drive improvements in resource recovery. One of the recommendations (number 16) proposed the levy should be applied across the whole of NSW, with small regional landfills receiving less than 5000 tonnes of waste per annum remaining exempt from the levy.

The government did not support this recommendation however, and has decided to undertake consultation with those potentially affected councils before a decision on the future expansion of the levy is determined. The terms of reference focus on the broadening of the waste levy base, on addressing alternative voluntary mechanisms, on the practical application and costs of the proposed levy threshold of 5000 tonnes per year on existing landfills, and the most appropriate mechanism for dealing with new small rural landfill sites managing more than 200 tonnes per annum. Council staff has participated in this consultation process and intend to prepare a submission to Government on the options proposed in the EPA Options Paper.

**Discussion** – the options contained in the Options Paper are -

Option 1 – Not expanding the levy

Option 2 – Extending the levy across NSW

Option 3 – Extending the levy across the state, whilst exempting regional landfills that receive <5,000 tonnes per annum (the KPMG recommendation)

Option 4 – Implementing an ‘opt in’ levy system where councils currently located outside the levy area can choose to implement a waste levy at set or chosen rates.

**(a) Policy Implications**

Nil to report at this stage.

**(b) Financial Implications**

The Options Paper is evasive in declaring the quantum of any levy that could be imposed on the non regulated area and elects to use hypothetical figures of \$5 and \$10 to extrapolate the potential impacts and benefits. There is no indication in the Options Paper of potential increases in the levy as

was introduced to the Regional Regulated Area (RRA) in 2009. It is therefore difficult to accurately determine the financial and economic implications should a levy be introduced. Equally, each option presented would have varying impacts, ranging from no impact should option 1 be adopted (not expanding the levy) to significant impact should option 2 be adopted (extending the levy across NSW).

However, for example, Council currently landfills approximately 1000 tonnes of waste per annum, and if the levy were introduced and ultimately reached \$40 per tonne, then the annual payment for the levy to Government would be \$40,000. Some money may be returned to Council in the form of competitive grants, such as the current Waste Less Recycle More program.

**(c) Legal Implications**

Nil to report at this stage.

**(d) Community Consultation**

The EPA has conducted consultation sessions in the non regulated area and prepared an information brief entitled "Extension of the Waste Levy Options Paper" as a guide to the potential implications for affected Councils. Those attending were briefed and given the opportunity to ask questions regarding the content of the Options Paper.

There has been no consultation with the broader community either by Government or Council. There may be benefit with Council consulting with the local State member and briefing the member on the potential effects of an introduction of the waste levy on the community.

**RECOMMENDATION**

***That Council endorses option 3, extending the levy across the state, whilst exempting regional landfills that receive <5,000 tonnes per annum, and staff submission be prepared in accordance with this resolution.***

**5.11 THE NSW LIVESTOCK LOADING SCHEME (LLS)**

**Summary**

Council recently received correspondence from Rachel Johnson, Deputy Director General, Freight and Regional Development Division Transport for NSW. That correspondence is included below for Councils information.

**Commentary**

The NSW Livestock Loading Scheme (LLS) is now under review. Transport for NSW is assessing the effectiveness of the scheme which was introduced to enhance productivity and protect jobs in the NSW meat and livestock industry.

The scheme allows eligible vehicles and combinations to carry a greater number of animals in one movement and operate at higher mass limits (HML) with specific conditions. It commenced in December 2012 and from August 2013 was progressively extended to local and regional roads subject to council approval.

The scheme includes measures to minimise road pavement wear, protect valuable bridges and reduce the number of livestock vehicle roll-overs through approved training.

The Transport for NSW review will investigate take-up of the LLS and its value to the meat and livestock industry. It will also examine safety and compliance issues and the availability of LLS routes and the sign-posting of infrastructure not suitable for HML.

Feedback from heavy vehicle owners and drivers, the meat and livestock industry, and local councils about the operation of the scheme and opportunities for improvement will provide key input to the review which commenced this week.

Transport for NSW has engaged CleanStar Australia to undertake the review.

To find out more, contact [freight@transport.nsw.gov.au](mailto:freight@transport.nsw.gov.au) or call (02) 8202 2403. Information on the Livestock Loading Scheme is available at <http://www.rms.nsw.gov.au/heavyvehicles/ltp/>.

Improving the productivity of the road freight network is a key action in the NSW Freight and Ports Strategy. For more information on the NSW Government's freight initiatives, visit [freight.transport.nsw.gov.au](http://freight.transport.nsw.gov.au).

**(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 from Council perspective but public forums and information has been distributed by Freight and Regional Development Division Transport for NSW

***RECOMMENDATION***

***That the NSW Livestock Loading Scheme Report be received and noted.***

**5.12 RATES OUTSTANDING ANALYSIS**

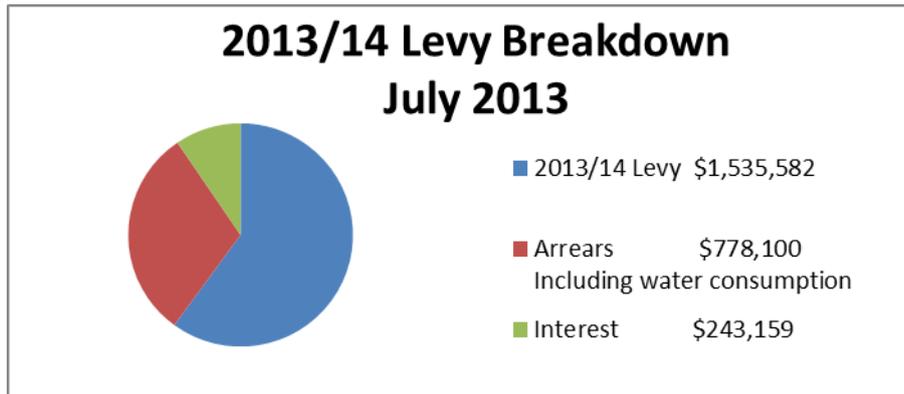
**Summary**

This report provides a detailed assessment-by-assessment breakdown of the rates outstanding balances as at 31<sup>st</sup> May 2014. The report highlights that the fundamental problem faced by Council is not, as is generally believed to be the case, that a large number of people don't pay their rates, but that the problem is in fact caused by the comparatively small number of ratepayers (approx. 100) who do not pay and the cumulative effect this has on the outstanding balance year-on-year.

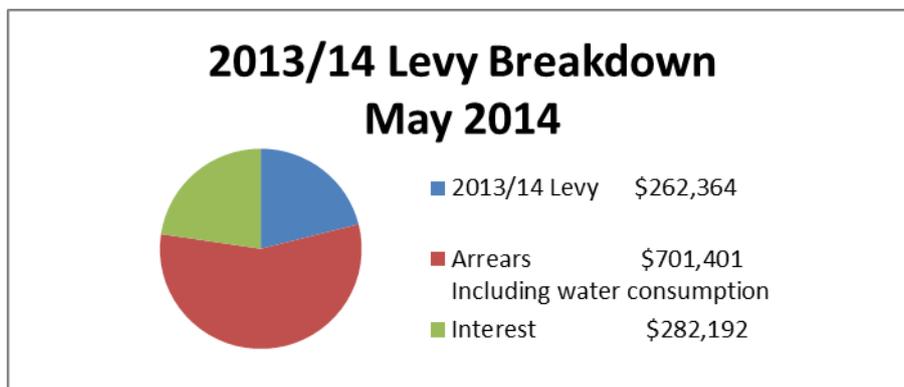
**Overview**

This overview is provided in order to give context to the comments and statistics in the sections which follow. In 2013/14 Council rated a total of 1,875 assessments for a total of \$2.56 million. The

following graphs depict the breakdown of rates debt at two dates – the very beginning of the financial year and towards the end.



A similar breakdown as at 31st May 2014, allowing for the fact that \$117,000 of water consumption levies are due but not yet payable, is as follows. The total balance owed had reduced by this date to from \$2.56 million to \$1.25 million.



These graphs show that of the 2013/14 Levy of \$1,535,583, only \$262,364 is left to be paid – a reduction of \$1,273,219 (82.9%) , whilst the arrears have only reduced from \$778,100 to \$701,401, or \$76,699 (9.6%). The shift in emphasis from blue to red (current levy to arrears) between graphs 1 & 2 also highlights the real problem as expressed in the summary above.

Expressed another way, 82.9% of the current levy has been paid as at the end of May, whereas the arrears have barely moved, and interest on the arrears, naturally, has risen. Payment history shows that the percentage of those who pay in full (albeit some a little late) will see the current 82.9 rise to somewhere between 85 and 88. This leaves between 12 to 15% of each year’s levy unpaid, or somewhere between \$180,000 and \$230,000.

The following table of balances is illustrative only, designed to show that the relatively small number of ratepayers who don’t pay are the problem.

No of Assessments	Debt Range	Total Debt	Average debt
76	\$2,000 - \$5,000	\$248,000	\$3,270
25	\$5,001 - \$10,000	\$175,000	\$7,000
32	< \$10,001	\$533,000	\$16,700
Totals	133	\$956,000	

These are the top three tiers of debt levels only and some ratepayers included are on payment arrangements. Nevertheless it makes the point; that is, 133 ratepayers out of 1,875 owed \$956,000 out of a total debt of \$1,243,950 at the end of May. Expressed as percentages, 7% of ratepayers are responsible for 77% of the debt.

### **Arrangements**

36 ratepayers are on payments arrangements, owing a balance of \$267,000. Several ratepayers who have entered into arrangements have yet to begin making payments and these will be followed up. Quite a few of those on arrangements start and stop, some start again without being followed up, some need reminders.

Many, in fact the majority of these arrangements are not seeing the debt reduce, in fact some of the larger debts are increasing, despite regular payments. In most cases this is due to the size of the debt – in one case nearly \$50,000 – which accrued over a number of years with no success by the previous rates clerk in negotiating the ratepayer onto a payment plan. This ratepayer is now paying, as are some others with large debts. As much help as is possible is offered in so far as writing off interest as is allowed under the Act, nevertheless getting these debts under control without causing hardship is a challenge.

In support of my predecessor (and to a certain extent my own slow progress), I believe she understood the potential landmines that could be exposed on selling (or even threatening to sell) peoples' homes, particularly young indigenous families with children. Bluntly, the media could and probably would rip Council to shreds.

### **Further Follow Up**

50 ratepayers are more than a little recalcitrant. The balance owing is \$121,000, with all but three owing under \$5,000. Most of this category appear to have come to feel comfortable just not paying. Even legal threats appear not to faze them. Some are bloody minded too, with one – a 69 year old pensioner – telling us he has no money, doesn't get anything from the Council, and doesn't care if we bankrupt him or threaten to sell his property. In fact he's looking forward to seeing us in court. None of these debts are remotely near old enough to threaten sale for unpaid rates. Threatening bankruptcy is not an option for most, as legislation requires the debt to be greater than \$5,000 before such proceedings can begin. Seizing goods is also expensive and fraught; Sheriffs cite many cases where people claim what is being taken doesn't belong to them, arguments ensue, and in most cases the sheriff is forced to withdraw and try and prove ownership. Further, the limited number of sheriffs in far west New South Wales makes finding people prepared to do the job difficult in the first place.

This category is perceived to be the major problem in the longer term as most are still residents of the Shire and live in the properties. Whereas all the properties to be sold in the upcoming Sale of Land for Unpaid Rates are either vacant land or unoccupied, the dynamic of a later sale including some of the properties in this category would be very different. An educative, informative process making people aware of the consequences of their not paying will be undertaken before this unfolds.

### **Sale of Land for Unpaid Rates**

91 properties – representing almost half a million dollars of the outstanding balance are listed for Sale of Land for Unpaid Rates. The following gives a further breakdown of this:

- Deceased estates with no funds – 7 @ \$105,000
- Landlocked properties ‘discovered’ by the VG – 30 @ \$30,000
- Non-existent owners, some with ongoing fraud investigation – 37 @ \$170,000
- Legitimate owners, some having moved away – 15 @ \$181,000

The latter (legitimate owners) includes 3 ratepayers who between them own 7 properties and owe \$93,000. None of owners live in the Shire. One is bankrupt; the second is (allegedly) terminally ill with cancer; the third sold the property some years ago and moved away (and can’t be found) – the new owner never moved in or transferred title and is now deceased, leaving a vacant property gathering dust and debt.

Due primarily to the on-going fraud investigation the Sale of Land for Unpaid Rates scheduled for June 2014 was postponed. Council has been advised that the investigation has now concluded, thus enabling the properties affected to be sold. A new date will be advised to Council at the earliest possible opportunity.

### **Other**

24 properties representing \$100,000 include:

- 2 properties recently been repossessed by the Commonwealth Bank;
- 3 properties in the hands of corporate administrators;
- 2 properties are Permissive Occupancies and as such can’t be sold. Neither ratepayer lives in the Shire or can be found;
- 1 property is owned by an ex-shire resident who is (allegedly) mentally ill and no longer lives in the Shire. This is in no way ridiculing the mentally ill, just giving a further example of some of the peculiarities the Council faces in some instances. A cheque for \$100,000 was received to clear this account (which at the time was \$4,000). The cheque was drawn on a foreign bank and was worthless.
- 1 property was ‘sold’ by a person who never owned it and ‘bought’ by an individual who agreed to wait for the title transfer until the old ‘owner’ had cleared the outstanding rates. Problem was, the professed owner never had the title to transfer. The title holder is in fact deceased. Council is supporting the purchaser in a claim for Possessory Title.

### **Conclusion**

Without denying there is a problem, this report should dispel the widespread belief that many people who live in Central Darling Shire do not pay their rates and that (by inference) this is the cause of the Council’s woes. Instead, the majority pay, willingly and without hassle. Of those that don’t or struggle to pay many are no longer or have never been residents. Some, like the targets of the recent fraud investigation, don’t even exist.

Such action as can be taken is and will be taken to recover those debts seen as recoverable. The main issues considered, not including the many vagaries set out in the body of this report, include personal circumstances, particularly hardship, and the cost of recovery balanced against the likely chance of success.

## **RECOMMENDATION**

***That this report be received and noted.***

### 5.13 RATES WRITE-OFF ASSESSMENT 1367

#### **Summary**

This report recommends Council agree to a write-off of interest in accordance with the Write-off of Rates and Charges Policy and Section 564 of the Local Government Act 1993. This report is presented as part of a review of all outstanding rates and with a view of establishing appropriate arrangements and mechanisms to reduce the amount of rates and charges owing to council.

#### **Commentary**

In order to encourage ratepayers who have committed to payment plans for overdue rates and charges, there is provision for council to assist in clearing debts by writing off some interest charges associated with the debt. In this circumstance the following background information applies:

- The rate-payer concerned is no longer a resident of the Shire and has received an offer on a property he owns in Wilcannia.
- The ratepayer has on numerous occasions offered to hand the property back to Council due to his inability to afford to pay the rates.
- The property has a total rates debt of \$15,167.
- The owner is a 70 year old pensioner who it is considered would not be in a position to ever pay the outstanding amount and also that it would not be cost effective to pursue for the debt.
- The offer made for the property is for \$9,000, which would necessitate Council writing off \$6,167.

As evidenced by the amount of debt, the property concerned in this prospective transaction has been vacant for some years. The property is ramshackle, currently unliveable and not in a presentable condition. Should the proposed sale not go ahead Council may well lose out. Whilst the property will be sold for unpaid rates at the next sale it is unlikely to attract a higher bid than the current offer. This bid is, in fact, the highest in what have been long running negotiations between several prospective purchasers and the owner. If the proposed write off is facilitated by Council the purchaser has undertaken to (1) rebuild and refurbish in order to make the property liveable and (2) be an ongoing ratepayer, both considerable plusses when compared with the current position. Securing a payment of \$9,000 is also obviously beneficial to Council at this time, whilst the amount to be written-off is allowed for in the provision for doubtful debts.

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

The proposed actions recommended by this report accord with council policy.

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

The enactment of the actions recommended in this report will improve the position of councils' outstanding rates and charges and also assist in ensuring that ongoing payment for rates and charges on the affected property occur.

**(c) Legal Implications**

Section 564 of the Local Government Act 1993 – *Agreement as to periodical payment of rates and charges* – states:

- (1) A council may accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person.
- (2) The council may write off or reduce interest accrued on rates and charges if the person complies with the agreement.

As it is proposed to write-off \$6,167 in the case of assessment 1367:

Council's Rates and Charges Policy stipulates that proposed write-off in excess of \$3,000 be written-off *'only if authorised by a resolution of Council'*.

Accordingly, the proposed write off in this case requires a council resolution.

**(d) Community Consultation**

No consultation is required on this matter.

***RECOMMENDATION***

***That Council agree to the write-off of accrued interest in the amount of \$6,167 as set out in the body of this report.***

## SECTION 6. INFORMATION REPORTS

### 6.1 INFORMATIONS ITEMS

#### 6.1.1 ENVIRONMENTAL SERVICES STATISTICS

Following is a statistical summary of legislative activities undertaken by Environmental Services during May 2014:

<u>Statistics for May 2014</u>	
Number DA'S Approved	1
Total Value of DA's approved	N/A
Food Premises Inspected	9
Animal Control Activities	Impounded =16 , Rehomed =2 , Returned to Owner =0 , Euthanized = 0  Registrations =0 , Microchipped = 0 , Penalty Notices Issued = 0
Water Sampling	Microbiology Samples Collected = 10 Chemistry Samples Collected = 0 Disinfection By Products = 0 Non-compliant Samples = 0

#### 6.1.2 ROAD GRADING PROGRAM

ATTACHMENT 4

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 on a monthly basis.

#### 6.1.3 ROADS REPORT

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

##### **State Roads:**

- 2013/2014 RMCC works estimated cost for Routine Maintenance Works on both highways is \$533,000.
- 9 Works Orders have been received and completed
- SH21 Capital Works 2013/14 will be undertaken by Road Services, Broken Hill

	<b>Original Budget</b>	<b>Expended</b>	<b>% Expended</b>
<b>RMCC (Routine Works)</b>	\$533,000	\$543,718	102%
<b>RMCC (Ordered Works)</b>	\$1,154,821	\$1,154,821	100%

**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

	<b>Original Budget</b>	<b>Expended</b>	<b>% Expended</b>
<b>Regional Road Block Grant</b>	\$2,498,000	\$2,080,258	83%

**Local Roads:**

- 2013/14 Local Roads Component (FAG) is \$1,468,139.
- Roads to Recovery (R2R 2013/14) portion of \$350,000 has been allocated to SR3 Tongo Rd Flood Mitigation Works

	<b>Original Budget</b>	<b>Expended</b>	<b>% Expended</b>
<b>Local Roads Component (FAG)</b>	\$1,468,139	\$1,003,040	68%

**6.1.4 PROJECTS REPORT**

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

<b>Project</b>	<b>Comments</b>	<b>Original Budget</b>	<b>Expended</b>	<b>% Expended</b>
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Remote Communities Water & Sewer Project	Reservoir Relining works completed.	\$400,000	\$400,000	100% Complete
	Treatment Plant Upgrade works in progress. Approaching completion. Commissioning works commenced 24/3/14 and expected to be completed by end June	\$550,000	\$453,000	82% In progress
	Civil works contract awarded. Expected start end April and approx.. 26 week program	\$3,161,000	\$327,930	10% In progress
Aboriginal Communities Water and Sewer	5 year service agreement completed.	\$121,000	\$27,946	23% Ongoing
	Filtered Pipeline over Old Wilcannia Bridge to be replaced prior to June 30.	\$54,000	\$34,003	63% In Progress
SR1 Bridge Replacements	Structures complete. Approaches outstanding	\$703,770	\$730,030	104% Complete
Darling Basin Drilling Program	Completed	\$946,125	\$813,020	87% Complete
Yampoola Flood Mitigation Works	In Progress	\$353,770	\$244,403	69% In progress
SR3 Flood Mitigation Works	In Progress	\$350,000	\$131,688	38% In progress

## 6.1.5 SERVICES REPORT

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

	Original Budget	Expended	% Expended
<b>Parks &amp; Gardens/ Sporting Facilities</b>	\$241,600	\$153,484	64%
<b>Ancillary Works</b>	\$125,800	\$133,037	106%
<b>Street Cleaning/ Bins</b>	\$144,800	\$115,868	80%
<b>Aerodromes</b>	\$93,269	\$45,236	48%
<b>Public Conveniences</b>	\$37,250	\$43,189	116%

**Water & Sewerage Maintenance:**

- Wilcannia town water supply is currently being sourced from the Darling River Weir pool. Recent rise in river level height has replenished weir pool. Water restrictions lifted
- White Cliffs town water supply is sourced from ground tanks current levels: Tank 1 =4.0 m, Tank 2 =3.0m, Tank 3 (Wakefield 6.75m). Recent rainfall has replenished ground water storages which has resulted in water restrictions being lifted
- Ivanhoe town water supply is currently being sourced from the Morrisons Lake reservoir. Morrison's Lake storage is currently 200 megalitres, town storage dam 30 megalitres. Anticipated remaining available water from above ground storage reservoir with no additional flows through Willandra Creek is 6 months.

	Original Budget	Expended	% Expended
<b>Wilcannia Water</b>	\$308,250	\$314,348	102%
<b>Wilcannia Sewer</b>	\$81,000	\$87,305	108%
<b>White Cliffs Water</b>	\$113,500	\$141,465	125%
<b>Ivanhoe Water</b>	\$151,500	\$189,211	125%

6.1.6 INVESTMENTS AND BANK BALANCES

Schedule of Investments and Bank Balances as at 31st May, 2014							
			Term	Interest Rate	Maturity		Amount
<b>Deposits at Call</b>							
	Westpac	11am Call Account					\$0
<b>Total Investments as at 31st May, 2014</b>							\$0
<b>Bank Balances as at 31st May, 2014</b>							
	General Fund						-\$247,968 OD
	(Overdraft limit:	\$3,000,000)					
	Trust Account						\$0 In Funds
<b>At Call</b> refers to funds held at a financial institution that can be recalled within 24 hours.							
<b>Commercial Bills and Term Deposits</b> are short term investments issued by a bank with a promise to pay a specified amount on settlement (being the face value plus interest).							

6.1.7 RATES REPORT

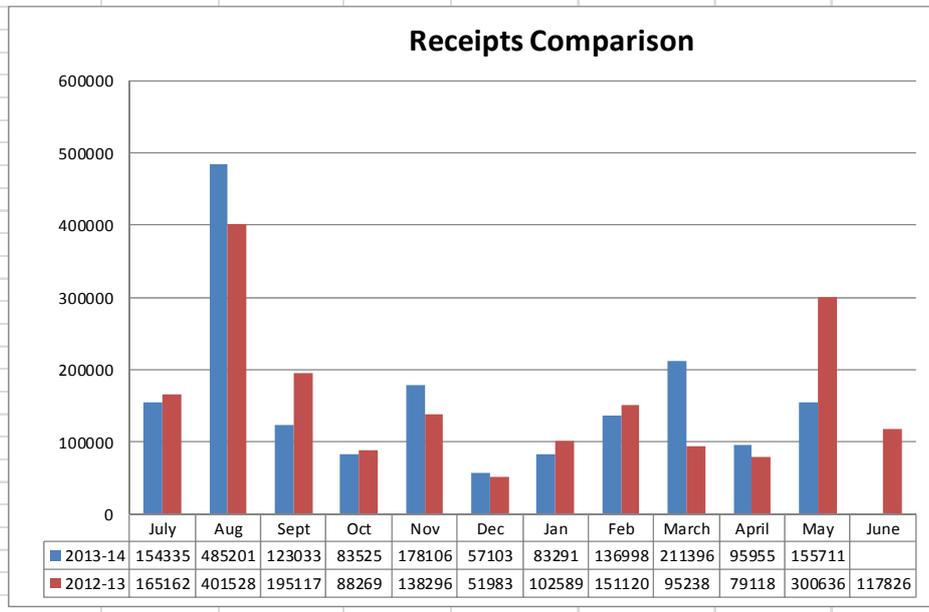
STATEMENT OF RATES and CHARGES as at 31 May 2014

Fund	YEAR TO DATE							BALANCE	
	Current Levies	Current Interest	Arrears Incl Interest	TOTAL	Receipts	W/Offs	Pensioner Subsidy		Rates in Credit
General	703,011	20,737	255,061	978,809	637,069	8,587	14,875	318,279	
Special	33,602	1,870	23,303	58,775	30,254	580	0	27,941	
Water	312,760	17,127	215,327	545,214	274,700	6,932	4,550	258,177	
Sewer	105,430	4,681	55,295	165,405	94,121	15	788	70,481	
Garbage	380,778	15,884	187,226	583,888	334,159	1,475	13,157	234,771	
Excess Water	463,444	14,361	239,964	717,769	390,590	5,193	0	321,985	
Charge on Land	3,197	214	15,251	18,661	3,768	568	0	14,325	
<b>Rates in Credit</b>								(61,499)	
<b>TOTALS</b>	<b>\$2,002,222</b>	<b>\$74,874</b>	<b>\$991,425</b>	<b>\$3,068,521</b>	<b>\$1,764,661</b>	<b>\$23,351</b>	<b>\$33,370</b>	<b>(\$61,499)</b>	<b>\$1,184,460</b>

THIS PERIOD	
Balance @ 30/04/2014	1,226,086
Interest raised	5,826
Water consumption credits	0
Excess water charges	118,172
Supplementary Levies	0
Receipts	(155,711)
W/Offs	(1,727)
Pensioner Rebates	0
Rates in Credit	(8,186)
<b>Balance @ 31/05/2014</b>	<b>\$1,184,460</b>
<b>Net Movement</b>	<b>(\$41,626)</b>

Aged Balances	Current	1 Year	2 Years	3 Years	4 Years	5 Years & Over	Interest	Rates in Credit	
30/04/2014	\$439,189	\$136,191	\$96,640	\$80,339	\$67,088	\$179,789	\$280,163	(\$53,313)	\$1,226,086
31/05/2014	\$414,249	\$128,662	\$95,218	\$80,043	\$66,588	\$179,006	\$282,193	(\$61,499)	\$1,184,460
<b>Net Movement</b>	<b>(\$24,940)</b>	<b>(\$7,529)</b>	<b>(\$1,422)</b>	<b>(\$296)</b>	<b>(\$500)</b>	<b>(\$783)</b>	<b>\$2,030</b>	<b>(\$8,186)</b>	<b>(\$41,626)</b>



**RECOMMENDATION**

*That the Information Items report be received and noted*

## 7.0 MEDIA RELEASES

Date	Sender	Contents
15/05/2014	Member for Murray-Darling	Williams supports new deputy ombudsman to monitor Aboriginal programs and initiatives.

## 7.1 CIRCULARS/NEWSLETTERS

Date	Sender	Contents
1/05/2014	Western Division Councils of NSW	Determining our own future.
19/05/2014	CareWest	Introducing ability links.
19/05/2014	Office of Local Government	Circular: Determination of the Local Government Remuneration Tribunal.
26/05/2014	NSW/ACT Regional Achievement and Community Awards	Regional Achievement & Community Awards
27/05/2014	Office of Local Government	Circular: Calendar of compliance and reporting requirements 2014.15
30/05/2014	Department of Planning & Environment	Keeping communities safe in bushfire season.
6/06/2014	Murray Darling Association	Murray Darling Assoc Inc – reports to regions

### ***RECOMMENDATION***

***That the Correspondence for Council be received and noted***

SECTION 7.2 THE RECEIPT OF REPORTS FROM COMMITTEES

***RECOMMENDATION***

***That the Menindee Development Committee Meeting Minutes from Monday 2<sup>nd</sup> June 2014 be received and noted.***

# **Menindee Development Committee Meeting**

## **including the Menindee Fishing Challenge (MFC)**

### **Subcommittee**

### **Minutes**

Meeting Date and Time: Monday 2nd June at 4pm

Location: RTC Meeting Room

Attendees: Paul Roberts, Terry Burt, Dennis Standley, Colleen King and Irene Hamilton

Apologies: Tim Walter

Meeting opened at 4.05 pm.

#### **Previous Minutes**

Minutes of Previous Meeting accepted but it was noted that the Categories will need to be reviewed further. Minutes accepted by Colleen King, seconded by Terry Burt. Business arising from the previous minutes: categories to be reviewed at the next meeting, some refinement needed. Accepted by Paul Roberts, seconded by Dennis Standley.

#### **Chairperson Report**

Letters will be sent out over the next few weeks seeking donations.

#### **Treasurer Report**

Terry to set up a spreadsheet to record financial transactions, to liaise with Margot.

#### **Menindee Fishing Challenge Coordinator Report**

Email sent to Des Jones, Councillor Western Region NSW Aboriginal Land Council seeking major sponsorship. Des asked if they could run activities at the MFC and advised that the request would be taken to the next meeting.

Dennis Standley has offered support to the MFC event in the form of drinks and chips.

Tim requires a letter seeking sponsorship which he'll distribute to a few key people. Irene to draft the letters for Tim.

Tim has arranged for the donation of soft drink by Coca-Cola. To be clarified if there is an option of funds instead and the number of soft drinks proposed.

## **General Business**

Gmail account set up for the MFC - menindeefc@gmail.com - password to be given to Committee members who wish to use it, see Irene.

Irene attended the Commonwealth Bank about setting up the MFC bank account. They require further information and have asked for the Chairperson to email them that info from his personal email address. Irene to provide Paul with the information that they have requested.

Logo for a MFC shirt to sell. Terry has obtained one sample. Colleen has recommended that one logo be used for the shirts and poster. To be discussed further by the Committee.

Previous minutes stated that no entertainer was required but a person to assist in the coordination of entertainment activities would be useful. Colleen advised that Casey Astill may be able to assist. To be discussed further by the Committee.

### **Agenda items to be carried over to the next meeting:**

Written confirmation from Shire about insurance and opening up a bank account

Discussion of what community need will be funded from the profits of the MFC

Decision as to what funds will be retained for next year's MFC

**Meeting closed at 4.35 pm.**

**Next meeting to be held on Monday 16th June, 4pm at the RTC.**

**SECTION 8. URGENT BUSINESS**

## SECTION 9. CONFIDENTIAL MEETING

### CLOSED COUNCIL

#### Confidential Reports

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

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

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

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

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

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

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in a open meeting would, on balance, be contrary to the public interest.

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

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

#### **Resolutions passed in Closed Council**

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

### 9.1 RATES WRITE-OFF

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (a) & (b) information that relates to personal matters concerning individuals and the personal hardship of a resident/ratepayer.

#### **Summary**

This report recommends Council agree to a write-off of interest in accordance with the Write-off of Rates and Charges Policy and Section 564 of the Local Government Act 1993. This report is presented as part of a review of all outstanding rates and with a view of establishing appropriate arrangements and mechanisms to reduce the amount of rates and charges owing to council.

### 9.2 PURCHASE OF 9 BYRNES STREET, WILCANNIA

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (c) & (d) information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

#### **Summary**

This report recommends that Council proceed with the proposed purchase of 9 Byrnes Street, Wilcannia.

**SECTION 10. DATE AND VENUE FOR NEXT MEETING**

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*The next meeting of Council will be held on the 15<sup>th</sup> July 2014 in Wilcannia at 9:00am.*

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