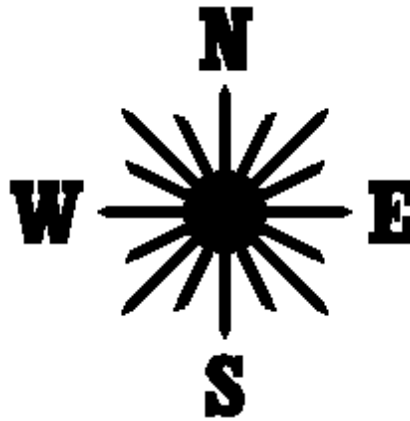


## Mission Statement

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

# CENTRAL DARLING



# SHIRE COUNCIL

## Minutes

For the Ordinary Meeting on

**Tuesday 11th March 2014**

**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 was held in the Council Chambers, Wilcannia on Tuesday 11<sup>th</sup> March 2014 commencing at 9:00am.

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## SECTION 1. ATTENDANCE

### PRESENT:

Greg Wright – Interim Administrator

### ALSO PRESENT:

Brian Wilkinson	Acting General Manager
Reece Wilson	Manager Technical and Engineering Services
Paul Gavin	Acting Finance Manager
Adelaide Elliott	Executive Assistant

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

Prior to the commencement of Public Access the Interim Administrator advised that future public forums will need to relate to items on Councils Meeting Agenda. Community members present were also reminded that the Public Access Forum do not have parliamentary privilege and accordingly, statements made be subject to legal action.

Ms Gaye Nicholls - Financial Management of the White Cliffs Caravan Park. Advised that she would meet with the Administrator in relation to her issues.

Mr Jeremy Paul - Advised that she would meet with the Acting General Manager in relation to his matters.

Mr Jim Morse - Manager Miss Barrett's, Alcohol Free Zones within Wilcannia, requested the Council put some pressure on the local police with regards to enforcing the AFZ.

The Administrator advised that he would raise the matter with Police and Council correspondence would be sent.

Mr Paul Brown - (Weir)/Bore funding; what are the details of this funding, and raised the issue of matters arising from the previous minutes being included in the public access.

The Manager of Technical and Engineering Services provided a response on the Bore funding.

## SECTION 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

*1-03-14*

*That the minutes of the Ordinary Meeting of the Council held on the 18th February 2014, be taken as read and confirmed as a correct record of the proceedings of the meeting.*

*Resolved*

### 2.1 BUSINESS ARISING FROM MINUTES

## SECTION 3. ADMINISTRATOR MINUTE REPORT

### **Progress**

It is now just over two months into the period of administration for the Shire Council and progress is beginning to be made. There are several positive impacts to cash flow, however the situation is still grave and unsustainable.

After a necessary period of investigative work, plans are being finalized to build an Operational Plan and Budget for the 2014/2015 year that will move the budget more into a balanced position. The report compiled by the accounting firm RSM Bird Cameron is due this week and will identify areas within the financial systems, policies and practices of the Council that require attention in returning the Council to financial sustainability.

### **Water Supply Funding**

It was very pleasing to be notified last week that the Shire would receive \$1 million in drought assistance funding to improve access to bores for the Ivanhoe, Wilcannia and White Cliffs water supply systems. Once the funding arrangements are finalized, work will be scheduled.

### **Interim General Manager**

I am also delighted to welcome Mr Brian Wilkinson to the Shire as Interim General Manager. Brian is a skilled and experienced Council General Manager with many years of experience in rural and regional councils. Mr Wilkinson will be on board for at least three months and will oversee the day to day operations of the organization and assist me in developing new strategy and policy for the Shire.

The addition of a specialist General Manager will allow other senior staff to concentrate on their normal work and will provide some experienced leadership to them and the rest of the staff organization. I look forward to the recovery of the Council organization picking up pace as a result.

### **Organisational Structure**

I have also begun work on a revised organizational structure for the Council that ought to make a clearer distinction between the core municipal services that the Council should be providing and the discretionary or third party funded services that are also provided.

Where the Council undertakes the provision of services on behalf of other agencies, there needs to be a clearly defined cost structure that builds in adequate pricing for administrative overheads, risk contingencies and an appropriate surplus (or profit margin) to assist in the funding of core services to the Shire community. The proposed structure should provide clearer reporting and responsibility relationships and may offer the opportunity to secure specialist staff for that purpose.

The revised structure will be fleshed out with the assistance of the General Manager and will be consulted with staff.

The recruitment of a permanent General Manager will also be a priority in the April/May timeframe.

### **Period of Suspension**

The initial period of the suspension and administration of the Council will conclude on 24 March. I wish to place on the public record that I have recommended to the Minister for Local Government that the suspension be extended for a further three month period. I made this recommendation on the basis that the forensic accounting report is only due to be delivered this week, that the Interim General Manager is just commencing and that it is vitally important that we complete the work of compiling, consulting and adopting a workable Operating Plan and budget before the end of June. The Minister has yet to make a decision on the matter.

### **Staff Matters**

Contract Finance Manager, Paul Gavin, finishes his time at the Shire this week and I thank him for his work over the past 20 months. In addition, I would like to thank Manager – Technical Services, Reece Wilson, for standing in as Acting General Manager over the past few weeks.

***2-03-14***

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

***Resolved***

## **SECTION 4. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY**

Nil

## SECTION 5. ACTING GENERAL MANAGER'S REPORT

### 5.1 INFORMATIONS ITEMS

5.1.1 SUBMISSIONS ON PANEL AND TASKFORCE FINAL REPORTS – EXTENSION OF TIME

5.1.2 IMPROVEMENT AND INTERVENTION FRAMEWORK FOR NSW COUNCILS

5.1.3 DROUGHT EMERGENCY ASSISTANCE

5.1.4 WHS REPRESENTATIVE

***3-03-14***

***That the Information Items report be received and noted***

***Resolved***

### 5.2 RURAL FIRE DISTRICT SERVICE AGREEMENT

***4-03-14***

***That Council enters into a Service Agreement with the Commissioner of the NSW Rural Fire Service, Commencing 1 July 2014 until terminated and that the Common Seal of Council be affixed to the agreement.***

***Resolved***

### 5.3 LONG PADDOCK ANNUAL CONTRIBUTION 2014-15

***5-03-14***

***That Council consider allocating \$6,000 for the contribution to the Long Paddock in conjunction with the development of the 2014/15 annual budget.***

***Resolved***

#### 5.4 TOWN WATER SUPPLY CONNECTIONS

**6-03-14**

*That no water connection be granted outside the town zoning for all townships within the Shire.*

**Resolved**

### SECTION 6. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

#### 6.1 INFORMATION ITEMS

##### 6.1.1 GRADING PROGRAM

**7-03-14**

*That the Information Items report be received and noted*

**Resolved**

#### 6.2 ROADS REPORT

**8-03-14**

*That the Roads Report be received and noted.*

**Resolved**

#### 6.3 SERVICES REPORT

**9-03-14**

*That the Services Report be received and noted.*

**Resolved**

#### 6.4 PROJECTS REPORT

**10-03-14**

*That the Projects Report be received and noted*

**Resolved**



## 6.5 BETTER BOATING PROGRAM 2013/14 ALLOCATION

***11-03-14***

***That Council considers allocating \$39,250 for the projects in conjunction with the development of the 2014/15 budget and advises the funding body accordingly***

***Resolved***

## 6.6 MR67 BALRANALD ROAD – ROAD SAFETY AUDIT

***12-03-14***

***That Council agrees to address the safety aspects of the Road Safety Audit with cost contribution sought from Cristal Mining for 33% of the cost of the upgrade works.***

***Resolved***

## SECTION 7. FINANCE MANAGER'S REPORT

### 7.1 INVESTMENTS AND BANK BALANCES

***13-03-14***

***That the Schedule of Investments Report for the 28th February 2014 be received and adopted.***

***Resolved***

### 7.2 RATES REPORT

***14-03-14***

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

***Resolved***

## SECTION 8. CORRESPONDENCE

***15-03-14***

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

***Resolved***

8.1 MEDIA RELEASES

8.2 CIRCULARS/NEWSLETTERS

## SECTION 9. THE RECEIPT OF REPORTS FROM COMMITTEES

***16-03-14***

*That the Tilpa Community Committee Inc. Annual General Meeting Minutes dated Sunday 9th February 2014 be received and noted.*

***Resolved***

***17-03-14***

*That the Tilpa Community Committee Inc. General Meeting Minutes dated Sunday 9th February 2014 be received and noted.*

***Resolved***

## SECTION 10. URGENT BUSINESS

Nil

## SECTION 11. 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 an open meeting would, on balance, be contrary to the public interest.

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

- (a) a person may interpret or misunderstand the discussion, or

- (b) the discussion of the matter may:
- (i) cause embarrassment to the Council or committee concerned, or to 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.

***18-03-14***

***That Council formally close the meeting to the public to discuss matters in accordance with Section 10A (2) of the Local Government Act, 1993.***

***resolved***

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Council went into Closed Session of Council at 9:24am

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#### **11.1 SEALING TENDER CDSC 2/2014**

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.

***19-03-14***

***That Council appoints Downer EDI as Councils Sealing Contractor for the years 2014 and 2015.***

***Resolved***

## 11.2 WILCANNIA WATER SUPPLY & SEWERAGE AUGMENTATION – CIVIL WORKS TENDER

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.

**20-03-14**

***1. That Council endorse the Tender Evaluation Panel conclusions with respect to the evaluations of tenders undertaken for the Wilcannia Water Supply & Sewerage Augmentation – Civil Works Tender, subject to Item 2 below, and advise the NSW Office of Water that the preferred tenderer is PFC Constructions Pty Ltd,***

***2. That Council advise the NSW Office of Water that the identification of PFC Constructions Pty Ltd as the preferred tenderer is subject to sound financial and technical assessments reports being received, and***

***3. That Council authorise the Acting General Manager to enter into relevant contractual arrangements with PFC Constructions Pty Ltd. with respect to the Water Supply & Sewerage Augmentation – Civil Works Tender subject to NSW Office of Water approval and receipt of sound financial and technical assessment reports.***

***Resolved***

## 11.3 PUBLIC LIABILITY CLAIM

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.

**21-03-14**

***That the Public Liability Claim Report be received and noted.***

***Resolved***

**22-03-14**

***That Council move back into Open Council.***

***Resolved***

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Council resumed in open session at 9:27am

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**23-03-14**

***That all decisions passed in Closed Council be made public.***

***Resolved***

## **SECTION 12. DATE AND VENUE FOR NEXT MEETING**

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

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*There being no further business, Council meeting concluded at 9:29am*

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