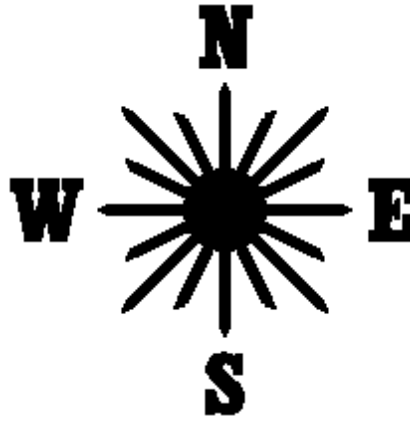


Mission Statement

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

CENTRAL DARLING



SHIRE COUNCIL

Agenda

For the Ordinary Meeting

Tuesday 15th October 2013 at 9:30am

In the Community Hall

Tilpa

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 Community Hall, Tilpa on Tuesday 15th October 2013 commencing at 9:30am.

Morning Tea is scheduled to be served at 10:30am and Lunch at 12:30pm. Refreshments will be served in the Community Chambers.

Mr Rick Fowler from NSW Trades & Investment will address Council at 10am regarding a proposed drilling project.

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SECTION 1. RECEIPT OF APOLOGIES

RECOMMENDATION

That the apologies be received and noted

SECTION 2. GRANTING OF LEAVE OF ABSENCE

RECOMMENDATION

That leave of absence be granted.

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

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

- Each member of the public who wishes to address Council is to register with Management prior to the commencement of the meeting, listing their name and the general topic or topics they wish to raise. Those who register will have precedence.
- All matters raised by members of the public must be of relevance to an item within this agenda.
- Each address will be limited to five (5) minutes at the discretion of the Chair.
- All matters raised by members of the public will be recorded and actioned within one month of the meeting.

SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

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

4.1 BUSINESS ARISING FROM MINUTES

4.2 STATUS OF COUNCIL RESOLUTIONS - OCTOBER 2013

Status of Council Resolutions - October 2013

Minute Number	Required action from Resolution	Responsible Officer	Secondary Support	Action Taken
13-9-11	Inform Councillors and Staff of the changes and Council's new policy "Public Interest Disclosures Act : Internal Reporting Policy".	AGM	EA	New policy to be considered at October Council Meeting
19-02-12	White Cliffs Water Supply - Glen Hope Agreement, too seek urgent legal advice regarding the original agreement	MTEs	WE	Draft agreement sent 6-2-13. Awaiting reply
7-11-12	That the Central Darling Shire Council sign a Memorandum of Understanding between the Central Darling Shire, the Lands Councils and the Working Parties of Wilcannia, Ivanhoe and Menindee.	AGM	EA	MOU's sent out, awaiting response
8-11-12	That the Central Darling Shire Council seek grant funding from both State and Federal Governments to build housing for the aged in Menindee	MES	AGM	In progress
15-12-12	That the Draft Employee Housing Policy report be received and noted and further: 1. That the Draft Employee Housing Policy be adopted and publicly advertised for 28 days; 2. That a further report be submitted to Council after the closure of public submissions;	MES	AGM	Exhibition period completed and report to be presented to Council
21-03-13	That Council receive and note the Rail Road Interface Agreement That Council endorses the Interface agreement in the manner required, and authorizes the Acting General Manager to sign and seal the document as required.	AGM	MTEs	In progress
10/04/2013	That the Athenaeum Building, Reid Street, Wilcannia report be received and noted, and further; That investigations into the possible return of the building to its former use as a Rural Transaction Centre be undertaken and reported back to Council.	AGM	IO	To be progressed
16/04/2013	That Council write to the relevant Minister to have Menindee included in the Remote Communities Water Supply and Sewerage Program.	AGM	EA	In Progress

Central Darling Shire Council - Ordinary Meeting - 15th October 2013

48-06-13	That Council request that the project be re-tendered, but only if funding is sought and received by NOW from the Federal Government to cover the cost of the project, and further; That the previous conditions Council requested through resolutions from May 2013 Ordinary Meeting relating to this project remain.	MTES	PE	In Progress
27-07-13	That a report be submitted to Council on the process involved for sale of land for unpaid rates and a draft listing of properties for inclusion in the sale be provided for Council's approval. That the above report be prepared for the meeting of Council in October 2013	RATES	MCCS	In Progress
41-09-13	That Council contribute at least \$10,000 towards the 150th gazettal mural project and the remaining funding from the Menindee Town Improvement fund.	MCCS	FM	In progress

RECOMMENDATION

That the Status of Council Resolutions be received and noted.

SECTION 5. MAYORAL MINUTES OR REPORT

RECOMMENDATION

That the Mayoral Report be received and noted.

SECTION 6. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

RECOMMENDATION

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

SECTION 7. NOTICE OF MOTIONS

SECTION 8. NOTICE OF RESCISSION MOTIONS

SECTION 9. ACTING GENERAL MANAGER'S REPORT

9.1 INFORMATION ITEMS

9.1.1 NSW ELECTORAL BOUNDARIES REDISTRIBUTION

ATTACHMENT 1

Advice has been received stating that the determined boundaries of the NSW electoral districts were proclaimed on Wednesday, 18 September 2013 and published in the Government Gazette on Thursday, 19 September 2013. This means that the previous district of Murray Darling has been removed and included into the district of Barwon. The attached plan shows the area stretching from Narrabri to the SA border. It is noted that the new district only comes into effect at the March 2015 State Election.

9.1.2 LOCAL INFRASTRUCTURE RENEWAL SCHEME – ROUND THREE

ATTACHMENT 2

A circular has been received from the Division of Local Government advising that the Local Infrastructure Renewal Scheme – Round Three is now open and calling for applications from Councils. The scheme provides interest subsidies to fund council infrastructure backlog borrowing. This third round will provide a 3% interest subsidy on loans taken out to undertake projects. Council has until 31 December 2013 to apply, and is encouraged by the Division to consider appropriate projects.

9.1.3 UPDATE ON PROPOSED PLANNING BILL

ATTACHMENT 3

Correspondence has been received from LGNSW regarding the proposed Planning Bill. Recently a letter had been written to the Premier requesting urgent changes be made to the proposed bill. The matters raised included -

- Retaining council's local plan making powers
- Rebalancing the triple bottom line
- Retaining rights of councils and communities to be involved in local high impact and contentious development.
- Providing greater certainty and public confidence in the strategic planning system.
- Retaining council primacy within the subregional delivery model with a say in defining the subregional delivery plan.
- Enabling grassroots community engagement to be delivered into higher order plans.
- Removing the proposed three year limit on holding infrastructure contributions.
- Sub-regional model in regional NSW.

On the 27 September 2013, LGNSW informed Council they had met with Planning Minister, the Hon Brad Hazzard MP and he was receptive to the concerns Local Government has with the proposed planning legislation. The Minister announced the NSW Government will implement a number of changes to the Planning Bill, including:

- Allowing councils to modify the state-wide codes to better reflect their local area.
- Restricting code assessable development to nominated growth areas.
- Totally removing the 80% target for code assessable developments has been removed entirely.
- Retaining all current land zonings.

- Retaining existing appeal rights.
- Maintaining current Local and state heritage protections.

No further information on the proposed Bill is available at this stage.

9.1.4 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL ATTACHMENT 4

As per a recent media release received from the LG Review Panel, it has been stated that a poll conducted in Sydney and Hunter regions indicates that there is a case for change in NSW Local Government. The polling was restricted to the Sydney and Hunter regions due to limited funding. A copy of their recommendations and paper is attached for Councillors information.

9.1.5 CHANGES TO COMMONWEALTH INDIGENOUS AFFAIRS

Advice has been received outlining changes to Commonwealth Indigenous Affairs under the Abbott Government. Commonwealth Indigenous Policy, Programs and Services will transfer through to the Department of Prime Minister and Cabinet. This effectively means there is a Prime Minister for Indigenous Affairs along with Senator Nigel Scullion as the Minister for Indigenous Affairs. The former Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA) will effectively cease with functions moving to either the new Department of Social Services or the Department of Prime Minister & Cabinet.

At this point there is still some discussion as to the extent of Commonwealth Indigenous Policy, Programs and Services that will transfer across to Department of Prime Minister & Cabinet. Across the Australian Public Service (APS), there are eleven APS agencies that have responsibilities across Indigenous programs and services.

9.1.6 COMPARATIVE INFORMATION ON NSW LOCAL GOVERNMENT 2011-12

The *Comparative Information on NSW Local Government Councils for 2011/12* report has been released. This publication provides a framework and set of consistent, meaningful indicators to show how well councils are performing across a range of activities and in the delivery of services. The Division has revised the contents and format of the Comparative Report to provide improved public reporting on council performance.

The publication consists of two main parts: o *Part 1: State of Local Government in NSW* - presents an overview of the performance of the local government sector as a whole.
o *Part 2: Council's Performance* - presents stand-alone, individual snapshots of each of the 152 general purpose councils in NSW.

A PDF version of the publication and time series data excel spreadsheets can be accessed by selecting 'Comparative Information' on the Division's website at www.dlg.nsw.gov.au.

9.1.7 COUNCILLOR WORKSHOP

On Wednesday 18 September 2013 Councillors and Senior Staff attended an in-house training session on chairing meetings, councillor behaviour and presentation of agendas and minutes. The training was conducted by Mr Gerry Holmes and was attended by a number of Councillors. It was worthwhile and provided valuable information for Councillors and staff to consider and implement.

RECOMMENDATION

That the Information Items report be received and noted.

9.2 DRAFT PUBLIC INTEREST DISCLOSURES ACT INTERNAL REPORTING POLICY
ATTACHMENT 5

Summary

This report presents Council's draft Public Interest Disclosures Act Internal Reporting Policy.

Commentary

Council's current policy relating to Public Interest Disclosures required updating to the new template document recently released by the NSW Ombudsman. Under section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with protected disclosures. The definition of public authorities includes councils. The policy developed for council should be based on this model policy and the NSW Ombudsman's guidelines. Attached for Councillors perusal is a draft of the new policy. Changes to the document are minimal, and relate to terminology and clearer explanations for the intent and functions of the policy. The policy provides information on how to report wrongdoings in the four categories covered by the Public Disclosures Act (the PID); ie corrupt conduct, maladministration, serious and substantial waste of public money and government information contravention.

(a) Policy Implications

The draft policy (after formal adoption by Council) will be incorporated into Council's Policy Register. Council currently has an Internal Reporting Policy; the new draft Policy will replace the old one.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Council is required under section 6D of the *Public Interest Disclosures Act 1994* to have a policy for internal reporting.

(d) Community Consultation

The draft policy is required to be placed on public exhibition for 28 days.

RECOMMENDATION

That the Draft Public Interest Disclosures Act Internal Reporting Policy report be received.

That Council adopt the Draft Public Interest Disclosures Act Internal Reporting Policy as attached.

That the draft policy be placed on public exhibition for 28 days seeking submissions from the public.

That a further report be presented to Council after the public exhibition period.

9.3 REQUEST FOR FUNDING – WHITE CLIFFS

ATTACHMENT 6

Summary

The purpose of this report is to inform Council a request for sponsorship/financial assistance has been submitted by the White Cliffs Gymkhana Club Inc.

Commentary

Correspondence has been received from the White Cliffs Gymkhana Club Inc. seeking a donation of sponsorship funds through way of a monetary or in-kind donation for the 2014 White Cliffs Gymkhana & Rodeo. The event will be held on the 26 & 27 April 2014. Increased sponsorship of this annual event is sought to improve the event through revamping the weekend including more prize money to attract more participants, greater media coverage and improved facilities. It will also be the 120th year that this event has been run.

The sponsorship request is a four-tiered platform whereby sponsors are able to choose a specific category as per the attached correspondence. Last year Council supplied Gold Sponsorship to the value of \$1000.

(a) Policy Implications

The request for funding is allowed under Council Financial Assistance Policy.

(b) Financial Implications

Sufficient funds are available under Council Financial Assistance grants budget with a remaining balance of \$9,203. This figure will decrease to \$8,203 if Council resolves to donate \$1,000 as per this report.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

The funding proposal is required to be placed on public exhibition for the required 28 days.

RECOMMENDATION

That the Request for Funding report be received; and further,

That Council place the request for funding of \$1000 for the White Cliffs Gymkhana and Rodeo on public exhibition for 28 days.

That a further report be presented to Council after the 28 day exhibition period has expired.

9.4 STAFF ORGANISATIONAL STRUCTURE

ATTACHMENT 7

Summary

The purpose of this report is to advise Council of adjustments required to the Staff Organisational Structure.

Commentary

Council's current Organisational Structure was reviewed in 2012. The structure in its present state

remains appropriate; however changes to accommodate staffing levels at the Wilcannia Post Office facility are required including the addition of trainees in the Engineering Department. These changes are as follows –

Wilcannia Post Office – Following Council’s decision to purchase and operate the Wilcannia Licensed Post Office, it has become necessary to create new positions of Coordinator Post Office who will be responsible to the Manager Corporate and Community Services and Business Support Officer who will assist and be directly responsible to the Coordinator Post Office.

The primary role for both these positions will be the day to day operations of a Licensed Post Office which will provide core postal services, bill payment facilities, limited banking services, merchandising of Post Office approved products and a number of form processing services on behalf of Commonwealth and State governments.

Whilst it is envisaged over time a fully accredited Tourism Information Centre will be established in the building, until that happens, both staff will provide tourists with information of a general nature and distribute appropriate local (Shire) tourism pamphlets.

The Coordinator, who is an existing employee, is already funded as part of Council’s overall budget and any additional funding will come from the revenue of the post office. Funding for the Business Support Officer will be provided from a vote in Council’s budget for the operation of a tourist centre.

Engineering Trainees – Two trainee positions are available for water operations. These positions are for 12 months and fully funded. The positions are located at Ivanhoe and Wilcannia.

A copy of the newly proposed organisational structure is attached for Councillors information.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

As advised in the body of this report.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Organisational Structure report be received; and further,

That Council adopt the new Staff Organisational Structure attached to this report.

9.5 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 – PUBLICATIONS GUIDE
ATTACHMENT 8

Summary

The purpose of this report is to advise Council there is a requirement to review our Publications Guide that emanates from the Government Information (Public Access) Act 2009 (GIPA).

Commentary

On the 1st July 2010 the GIPA Act replaced section 12 of the Local Government Act 1993 and the Freedom of Information legislation in NSW, and required public sector agencies including Council's to be more proactive in their disclosure of government information. All NSW Government agencies including Local Government were required to adopt their first Publication Guide prior to 31 December 2010. Council adopted their Publications Guide in September 2011.

The Office of the Information Commissioner describes the purpose of a Publication Guide as:

SECTION 1. 1. a summary of what an agency does;

SECTION 2. 2. how the agency does it; and

SECTION 3. 3. the type of information the agency holds and generates through the exercise of its functions, with particular focus on how those functions affect the public.

In essence, the purpose of the Publication Guide is to make it easier for the public to locate and access information held by Council, and know whether the information can be obtained on the website, upon personal request or under a formal access application. Section 20 GIPA Act enumerates the key and minimum elements that a Publication Guide must contain.

Section 21 GIPA Act requires Council to review and update their Publication Guide at intervals of not less than 12 months. It is important that Council reviews its Guide, publishes it on Council's website and forwards a copy to the Office of the Information Commissioner.

CDSC's Publication Guide is shown as attached.

Council also needs to create a Disclosure Log which contains information about successful applications if they raise matters of general public interest. Further, Council needs to establish a Register of Contracts which needs to include a listing of contracts worth more than \$150,000 that Council has with private sector bodies. Both the Log and Register must be web accessible.

(a) Policy Implications

The CDSC Publication Guide will form part of Council's Policy Register.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Section 21 indicates that Council must review its Publication Guide at intervals of not more than 12 months. Council is also able to amend its Publication Guide at any time.

Section 22 describes the role of the Information Commissioner.

More generally, Council needs to ensure that the spirit and intent of the GIPA Act is always complied with, other than where public interest considerations against disclosure outweigh the public interest considerations in favour of disclosure. For example, the release of personal information or information identifying a person would be contrary to the Privacy and Personal Information Protection Act 1998.

(d) Community Consultations

The CDSC Publication Guide will be published on Council's website and reviewed annually by Council.

RECOMMENDATION

That the Government Information (Public Access) Act 2009 (GIPA) report be received and further;

That the CDSC Publication Guide be adopted and published on Council's website and a copy lodged with the NSW Office of the Information Commissioner inclusive of a copy of this report.

That the CDSC Publication Guide be reviewed by Council each year.

That Council maintains its web accessible Disclosure Log and Register of Contracts in accordance with the GIPA Act.

10.6 FURTHER COMMITTEE INFORMATION FROM SEPTEMBER COUNCIL MEETING

Summary

This report provides further information requested at the September Council meeting in relation to committees.

Commentary

Last month Council considered and discussed representation on various committees. Further information was sought on a number of committees as follows;

Works Committees – It was queried whether the scope of Council's Works Committees and the delegations of the committees required reviewing. The Acting General Manager has consulted with other Council's in the area and it would seem that most have a committee similar to a Works Committee. They have different titles such as Infrastructure & Development Committee, Town & Village Committee. The scope of these committees vary from basing work requests around their Delivery Plan, or accepting written submissions, or sticking with upcoming projects in the current budget, or having open discussion and decisions on any project. Most are open to the public, however some are closed and consist of internal staff only. From speaking with other Council's it is timely for Council to provide greater strategic direction to these meetings, and focus expenditure around priority/key items documented within our Strategic Plan. Funding expenditure from these meetings should be as per items documented in the Strategic Plan and Delivery Plan. It is recommended that the scope of the Works Committee be better structured by all funded projects being linked back to Council's integrated planning documents.

Menindee Common Committee – Further information was required on family members holding executive positions on Council's S355 Committees. In relation to the Menindee Common Committee,

it is noted that members of the same family hold two positions with a third family member being the Shire Representative. In accordance with Council's Section 355 Committees Operational Manual under Clause 2.1.3 Election of Office Bearers it states the following -

c) (i) *a maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time.*

(ii) *Only one (1) of those office bearers in (i) is to sign cheques on behalf of the same Committee at the same time.*

(iii) *This means that relatives of the same family can be appointed to the same Committee simultaneously but only two can be office bearers and only one can sign cheques during the time they are members.*

On this basis, only two members of the same family can be office bearers on the same committee at any one given time. The Shire Representative is not an office bearer on the above mentioned committee.

Wilcannia Community Working Party – It was queried last month whether Councillors can attend the Wilcannia Community Working Party as Council representatives. Advice received from the Secretary states *that the Chairperson is happy for Councillors to attend CWP's*. On this basis, Council could delegate Shire representations to more than just the Mayor and General Manager.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Further Committee Information from September Council Meeting report be received; and further,

That Council restructure the scope of Councils Works Committees by ensuring all projects are linked back to Council's integrated planning documents before being approved for funding.

That Clr Looney be the Shire Representative on the Menindee Common Committee.

That Wilcannia Councillors be delegated to attend Wilcannia Community Working Party meetings as required.

10.7 REQUEST FOR FUNDING INCREASE – SENIORS CHRISTMAS PARTIES

ATTACHMENT 9

Summary

The purpose of this report is to inform Council of a request for an increase in funding for Seniors Christmas Parties.

Commentary

Correspondence has been received from the Menindee Pensioners Association seeking an increase in funding for their Seniors Christmas Party. The function will be held on 10 December 2013. For many years, Council has allocated \$300 per annum to assist with holding Senior Christmas Parties in the towns of Wilcannia, White Cliffs, Menindee/Sunset Strip and Ivanhoe. This budget item is listed in Council's Operational Plan under Financial Assistance Grants. It is noted in the attached letter that with rising costs an increase to this amount is being sought. The increase in funding is justified, as items have increased, and the funding provided has not been altered for many years. It is obvious the amount needs to be adjusted with the addition of a further \$200 per town.

(a) Policy Implications

Funding of \$300 is currently provided under Council's Operational Plan.

(b) Financial Implications

Sufficient funds are available under Council's Financial Assistance grants budget with a remaining balance of \$8,203. This figure will decrease to \$7,403 if Council resolves to donate \$800 (\$200 per town) as per this report.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

The funding proposal is required to be placed on public exhibition for the required 28 days.

RECOMMENDATION

That the Request for Funding report be received; and further,

That Council place the request for funding of an additional \$200 per town for Seniors Christmas Parties on public exhibition for 28 days.

That a further report be presented to Council after the 28 day exhibition period has expired.

10.8 REVIEW OF RATE EXEMPTIONS

ATTACHMENT 10

Summary

The purpose of this report is to inform Council of correspondence received from LGNSW regarding a report on Rate Exemptions.

Commentary

Correspondence has been received from LGNSW providing information on a review undertaken by Deloitte Access Economics on the performance of current Local Government rate exemption

provisions in NSW. The report provides a comprehensive review of existing rate exemptions including a framework for assessing the adequacy of exemptions. The report validates many of the criticisms that Local Government has repeatedly made and recommends the removal or redesign of many of the rate exemption provisions. LGNSW has forwarded a copy of the report to the Independent Local Government Review Panel and the Local Government Act Taskforce. A copy of the report has been made available for Councillors. It is recommended that Council support LGNSW's call for a comprehensive review of current rate exemption provisions.

(a) Policy Implications

Nil to report at this stage

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Review of Rate Exemptions report be received; and further,

That Council support LGNSW's call for a comprehensive review of current rate exemption provisions.

SECTION 10. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

10.1 INFORMATION ITEMS

10.1.1 GRADING PROGRAM

ATTACHMENT 11

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.

10.1.2 MENINDEE GARBAGE COLLECTION

As requested by Council, staff arranged to trial the Menindee garbage collection over a 1 day period only. On Monday 30th September residents were advised to place all bins out for collection. Staff completed collection by 5:30pm with an additional 1.5hrs required Tuesday morning for emptying and cleaning, resulting in a total of 11hrs.

It should be noted that, being school holidays, no school bins or teacher housing bins were collected. 3 Phone calls were received due to residents not being aware of the trial and subsequently approximately 10 bins were collected on the Tuesday.

10.1.3 INCREASED ROAD ACCESS – ROADWORK PLANT

As part of an ongoing review of road access for plant vehicles, graders that are constructed within the statutory limits are now allowed increased road access, subject to certain conditions.

Graders may now travel up to 75km in the NSW Western Zone from the graders garaged address. Grader owners now need to contact RMS with regards to a new Certificate of registration and a certificate of Approved Operations with updated conditions for their grader for no fee.

RECOMMENDATION

That the Information Items report be received and noted.

10.2 ROADS REPORT

Summary

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

Council currently has four grading crews operating within the shire. RMS Ordered Works, capital works and maintenance grading works are in progress.

Commentary

State Roads:

- 2013/2014 RMCC works estimated cost for Routine Maintenance Works on both highways is \$533,000.
- 2 Works Orders received this financial year to date.
- 3 Works Orders remaining from 2012/13 financial year.
- Heavy patching and reseal works to commence October 2013

	Original Budget	Remaining Budget	% Expended
RMCC (ROUTINE WORKS)	\$533,000	\$491,694	8%
RMCC (Ordered Works)	\$831,027	\$831,027	0%
SH21 Capital Works (2012/13)	\$1,064,953	\$1,064,953	100%

Regional Roads:

- 2013/14 Regional Road Block Grant including traffic and supplementary components is \$2,498,000. MR67 Balranald Rd Reconstruction Works has been allocated \$540,000 from the Block Grant.
- Roads to Recovery (R2R 2013/14) portion of \$353,770 has been allocated to Yampoola Crossing Upgrade Works, MR68C Pooncarie Rd

	Original Budget	Remaining Budget	% Expended
Regional Road Block Grant	\$1,958,000	\$1,391,747	29%
MR68C Yampoola Crossing (R2R 13/14)	\$353,770	\$284,987	20%
MR67 Balranald Rd Reconstruction	\$540,000	\$207,842	37%

Local Roads:

- 2013/14 Local Roads Component (FAG) is \$1,468,139. Works Committee allocation this year is \$385,000
- Roads to Recovery (R2R 2012/13) allocation of \$703,770 for SR1 Tilpa East Rd works are in progress
- Roads to Recovery (R2R 2013/14) portion of \$350,000 has been allocated to SR3 Tongo Rd Flood Mitigation Works

	Original Budget	Remaining Budget	% Expended
Local Roads Component (FAG)	\$1,083,139	\$775,639	28%
SR1 Bridges (R2R 12/13)	\$703,770	\$256,600	64%
SR3 Flood Mitigation Works (R2R 13/14)	\$350,000	\$281,217	20%

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

various as displayed in the above table.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

Town Improvement Funds:

- Funding as listed below is sourced from the Local Roads component (FAG) Funds
- **Wilcannia** - \$20,000 allocated to be put back into a community fund subject to matching grant funding. Any proposed community projects to be fully costed and assessed before being committed to.
- **White Cliffs** - \$40,000 allocated to new playground subject to matching grant funding. Remaining funds to be held over and any proposed community projects to be fully costed and assessed before being committed to.
- **Menindee** - \$70,000 allocated to the new Multi-Purpose Sporting Complex. Remaining \$20,000 to be held over
- **Ivanhoe** - \$90,000 to be determined. No funding was allocated at this time. Engineering to measure up and cost paving works at the front of the School entrance. Include options for drainage improvements, seating and any landscaping improvements. Include measurements and costs for paving at the Ivanhoe Hotel in next report.
- **Sunset Strip** - \$25,000 allocated to the purchase of a new tractor and water tank to be fitted to the flatbed truck in Sunset Strip.

	Original Budget	Remaining Budget	% Expended
Wilcannia	\$90,000	\$90,000	0%

White Cliffs	\$90,000	\$90,000	0%
Menindee	\$90,000	\$90,000	0%
Ivanhoe	\$90,000	\$90,000	0%
Sunset Strip	\$90,000	\$90,000	0%

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Various as displayed in the above table. Funds sourced from the Financial Assistance Grant – Local Roads Component.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Roads Report be received and noted.

10.3 SERVICES REPORT

Summary

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

Commentary

Town Maintenance:

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

	Original Budget	Remaining Budget	% Expended
Parks & Gardens/ Sporting Facilities	\$241,600	\$190,335	32%
Ancillary Works	\$125,800	\$78,446	38%

Street Cleaning/ Bins	\$144,800	\$113,802	32%
Aerodromes	\$93,269	\$71,491	24%
Public Conveniences	\$37,250	\$22,545	40%

Water & Sewerage Maintenance:

- Wilcannia town water supply is currently being sourced from the Darling River Weir pool.
- White Cliffs town water supply is sourced from ground tanks current levels detailed below:
Tank 1 =4.5 m, Tank 2 =3.8m, Tank 3 (Wakefield 7.50m)
- Ivanhoe town water supply is currently being sourced from the Morrisons Lake reservoir. Morrison's Lake storage is currently 420 megalitres, town storage dam 45 megalitres.

	Original Budget	Remaining Budget	% Expended
Wilcannia Water	\$308,250	\$219,854	29%
Wilcannia Sewer	\$81,000	\$55,136	32%
White Cliffs Water	\$113,500	\$75,481	34%
Ivanhoe Water	\$151,500	\$103,533	32%

(a)Policy Implications

Nil to report at this stage.

(b)Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Services Report be received and noted.

10.4 PROJECTS REPORT

Summary

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

Commentary

Project	Comments	Original Budget	Remaining Budget	% Expended
Remote Communities Water & Sewer Project	Reservoir Relining works completed.	\$400,000	\$0	100%
	Treatment Plant Upgrade works in progress.	\$550,000	\$522,414	5%
	Civil works component to be retendered	\$2,080,000	\$2,080,000	\$0
Aboriginal Communities Water	Council resumed water and sewer services from 1 st July 2013.	\$121,000	\$111,400	8%
	Filtered Pipeline over Old Wilcannia Bridge to be replaced Nov 2013	\$59,000	\$59,000	\$0
SR1 Bridge Replacements	In Progress, expected completion Nov 2013	\$703,770	\$256,600	64%
MR67 Balranald Rd Construction 2013/14	In Progress, expected completion Nov 2013	\$540,000	\$207,842	62%

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Various as displayed in the above table.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

As required

RECOMMENDATION

That the Projects Report be received and noted.

10.5 PEDESTRIAN ACCESS MOBILITY PLAN (PAMP)

Summary

The purpose of this report is to update Council with respect to the PAMP.

Background

The objectives of the PAMP are to identify areas within Councils existing pedestrian network that require improvement for the benefit of all pedestrians, particularly aged citizens and people who have disabilities, and to develop a works program that will implement those improvements over a 5-10 year period.

At the Ordinary Meeting of Council, April 2013 Council resolved the following:

23-04-13 resolved

That Council adopts the Draft PAMP and further, that it be placed on public exhibition for 28 days with any submissions being reported back to Council.

Commentary

No submissions were received in the required 28 day public exhibition period.

In November/ December 2013 Councils will be asked to nominate projects for funding proposals 2014/15 this funding is on a dollar for dollar basis. Staff will review the PAMP, identify possible projects, produce a 5 to 10 year program and submit a report to Council for review.

(a)Policy Implications

Nil.

(b)Financial Implications

Any successful application will need to be funded 50% by Council. It is proposed to fund Councils part from the footpath repair budget in 2014/15. This will be included in next year's budget and be presented to Council for consideration.

(c)Legal Implications

Nil

(d)Community Consultation

Community Consultation has been deemed to have been carried out as part of the survey and the consultants discussions with many local residents as well as placing the draft document on the required 28 day public exhibition period.

RECOMMENDATION

That Council adopts the Pedestrian Access Mobility Plan

10.6 ROADWORKS WATER SUPPLY – BORES

Summary

The purpose of this report is to inform Council with respect to water supply issues in order for Council to make an informed decision for any future bore installations.

Background

Council is responsible for a road network of approximately 2800km. 2340km of this network is unsealed and requires maintenance grading. Maintenance grading requires water in order for the grading works to be carried in accordance with Councils best practice.

Water availability is subject to rainfall, river and creek flows, dam and borrow pit levels, private property owners water contributions and bores. In drier times water availability becomes an issue and sections of the road network cannot be maintained to the required service level due to this.

There exists established bores on some State, Regional and Local roads that produce water to enable works to be carried out. In the last 5 years Council have installed 2 bores as part of major capital works – MR428 Kayrunnera Rd and MR67 Balranald Rd Reconstructions, these have been funded by the projects allocation and no monetary contributions were sought by the landholder. Minor contributions in kind were received from both land holders (detour road accessibility and poly pipe supply)

Commentary

Engineering staff have been contacted in regards to the possibility of Council installing bores for the purpose of water sourcing for maintenance grading works with a contribution being offered by the landholder if it is permissible for them to utilize the bore for stock watering purposes.

In the event that underground water is available at locations that are devoid of water in dry conditions it would benefit Council to install bores. The bores would need to be drilled at intervals that would maximize grading operations and be adjacent to existing dams/ borrow pits where possible.

The proposed bores would be licensed as a basic landholder rights (domestic and stock) groundwater works. The bores would be licensed in the landholders name with Council being a secondary owner. Staff have clarified the licensing requirements with the NSW Office of Water and the 2 bores that have been drilled previously have been licensed this way. Additionally, a legal agreement for access could be drafted.

The proposed contribution amount to be sought from the Landholder is 25%. The cost of drilling and casing bores suitable for existing bore pumps is between \$20,000 and \$30,000 depending on depth of water.

(a) Policy Implications

Council has no Policy for these type of arrangements, however should Council endorse the recommendation below it will be regarded by staff as Councils Policy in negotiation with any land owner

(b) Financial Implications

The bore installations would be funded under the Regional Road Block Grant or the FAG, Local Roads Component depending on location. 25% reimbursement of the total cost of the bore production would be sought from the landholder.

(c)Legal Implications

There are no apparent legal implications or exposure associated with these arrangements

(d)Community Consultation

Nil

RECOMMENDATION

That Council

- 1. That Council supports the construction of bores for road maintenance as determined by the Manager Technical and Engineering Services.***
- 2. Agree that a 25% contribution be sought from the proposed landholder and this be agreed in writing prior to works commencing.***
- 3. That Council note that any license will be granted to the land owner with Council listed as a secondary owner.***

SECTION 11. MANAGER ENVIRONMENTAL SERVICES REPORT

11.1 INFORMATION ITEM

11.1.1 SEXI PROJECT

An update has been requested on the SEXI Project for Councillors information. At this stage there is no further progress with this project. More Councils have signed up to be included in the project, and now includes almost half the area of NSW. It is yet to be known if the funding remains available for the project. Co-ordinator of SEXI, Mr Matt Parmeter will prepare a newsletter for Councils shortly to provide an update.

11.1.2 SHEEP SALE IVANHOE

It is pleasing to report that the Ivanhoe Saleyards have been used for a sheep sale conducted by Landmark Hillston. The sale took place on Friday 4 October 2013, and was well attended by locals.

RECOMMENDATION

That the Information Items report be received and noted.

11.2 ENVIRONMENTAL SERVICES STATISTICS

Summary

This report provides a statistical summary of legislative activities undertaken by Environmental Services within August 2013.

Commentary

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

Statistics for August 2013	
Number DA'S Approved	3
Total Value of DA's approved	\$228,000
Food Premises Inspected	Nil
Animal Control Activities	Impounded = 14, Rehomed = 10, Returned to Owner = 1, Euthanized = 3 Registrations = 0, Microchipped = 2, Penalty Notices Issued = 0
Water Sampling	Microbiology Samples Collected = 8 Chemistry Samples Collected = 0 Disinfection By Products = 0

	Non-compliant Samples = 0
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(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Environmental Services Department Statistics for August 2013 report be received and noted.

11.3 LOCAL GOVERNMENT (GENERAL) AMENDMENT (COUNCIL SEWERAGE SYSTEMS)

Summary

The purpose of this report is to inform Council of changes to the Local Government (General) Regulation.

Commentary

A circular has been released by the Division of Local Government to inform councils that the Local Government (General) Regulation 2005 has been amended to include new requirements relating to the measurement of water, the management of stormwater and the disposal of trade waste.

The Local Government (General) Amendment (Council Sewerage Systems) Regulation 2013 commenced on 9 August 2013. The changes were developed in response to requests from the Water Directorate and the Office of Water and are to help councils manage their water supply and sewerage systems more effectively.

A summary of the amendments is listed below and a full copy of the Regulation may be viewed on the NSW Government's website for legislation at <http://www.legislation.nsw.gov.au/>.

The new legislation:

- a) Prohibits the discharge of roof, rain, surface, seepage or ground water into a public sewer, or a fitting connected to a public sewer, unless the discharge has been approved by the council, is into a public drain or gutter of a council, or is in the operational area of Sydney Water or Hunter Water.

- b) Updates a reference to the Director-General of the Government Service required to give concurrence to an approval to discharge trade waste (whether treated or not) into the sewer of a council, and to provide that the Director-General may nominate another person to give that concurrence.

- c) Prescribes maximum annual charges for stormwater management services for certain strata title lots.

d) Prescribes the offences of disposing of waste into a sewer of a council without an approval and disposing of such waste contrary to the terms of an approval as penalty notice offences.

e) Enables a council to write off the whole or part of a stormwater management services charge, or the interest accrued on such a charge, under certain circumstances.

f) Enables a council to inspect any pre-treatment devices connected to the council's sewerage system, and to install meters or other devices for measuring the quality of sewage discharged from a premises.

g) Provides that, when a council examines and tests a water meter, a water meter that registers less than 4 per cent more, or 4 per cent less, than the correct quantity (rather than the current 3 per cent) is taken to correctly measure the water passing through it.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

Nil to report at this stage.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultation

Nil to report at this stage.

RECOMMENDATION

That the Local Government (General) Amendment (Council Sewerage Systems) report be received and noted.

11.4 PROPOSED CEMETERIES AND CREMATORIA BILL 2013 – EXPOSURE DRAFT

Summary

The purpose of this report is to advise Council of proposed new legislation relating to management of cemeteries.

Commentary

The NSW Government has published an Exposure Draft for a new Cemeteries and Crematoria Bill 2013. This bill is a large and complex document with varying consequences for Council's operations. The Bill appears to be designed to cover two distinct types of operation, being private and Crown cemeteries. Each appears to be handled slightly differently from the other but have a number of core similarities.

The reason for the Bill is not clear; however it appears to be attempting to deal with issues of future expansion; continuation of internment rights and general tidying up of record keeping and responsibility. It is assumed that most of these issues relate to larger regional and City areas where pressure is greater due to limited land availability. Despite this, all Councils will be caught up in this new legislation and its subsequent requirements.

There is no doubt that this Bill will introduce a new level of bureaucracy and considerable additional workloads for Council. There also appears to be provision for levying cemetery operators to fund it.

This paper was released on the 3rd September, 2013 with a closure for submissions on the 20th September, 2013. The document was not referred to Council for comment and a copy was only received from Council's insurers on the 13th September, 2013.

Major requirements for Council are not clear as yet but are likely to involve the following:-

- Need to prepare a strategic plan for all cemeteries within the Council's area;
- Need to prepare a Management Plan for all cemeteries within the local government area;
- Need to establish a number of additional committees including a finance committee; a heritage committee and a Risk committee to name a few;
- Requirement for annual reporting on performance;
- Requirement for annual financial reporting including independent auditing of accounts. Accounting and auditing is to be done to Australian Standards which differ considerably from the accounting requirements Council is required to adopt for its financial controls;
- Council may be required to handle areas of private land differently to those of Crown land thereby causing confusion and different rules and regulations between individual cemeteries. In particular, a private cemetery operator may:-
 - Be subject to levies to be paid to the Cemeteries Agency;
 - Be subject to a Mandatory Code of Practice;
 - Be required to maintain internment sites in perpetual care;
 - Require the licensing of all operators on the site;
 - Performance Management reports may be required;
 - Record keeping as per the requirements of the Cemeteries Agency; and must, at the Agencies request;
 - Provide information, extracts and reports on the operation of the cemetery.

Council has a number of cemeteries throughout the Shire (6) which will be caught up in this legislative change. Whilst many of the requirements of the new legislation are already carried out, albeit in a less formal manner, the requirements for strategic plans; plans of management and greater community involvement will contribute significantly to the cost of maintaining these cemeteries. Some of these cemeteries are very small and seldom used and certainly do not require strategic planning for future expansion. Others, like the Wilcannia cemetery may have a greater potential for future use, but hardly to the levels of major population centres.

It is understood that there may be some capacity for the new Cemeteries Agency to exempt Crown Cemeteries but it is not clear what the exemptions relate to or what the procedure for obtaining such exemptions are. Complications will also arise in situations where the land is owned by Council such as the Wilcannia cemetery.

Council will have 12 months from the date of adoption of this legislation to prepare its strategic plans and management plans. Council does not currently have the resources to undertake this scope of works internally and may need to contract this work to an outside specialist. In this event, Council will need to find the funds to contract this work out – a realistic figure is impossible to determine at this time but an educated guess based on strategic plans developed under other legislation would put the figure at somewhere between \$30,000.00 to \$50,000.00.

The cost of accounting and auditing for the six cemeteries is also likely to be considerable. The preparation of various reports as required under the Act is also likely to take up considerable scarce resources in both the accounting and environmental departments.

Council currently runs cemeteries at:

Wilcannia –	Owned by Council;
Menindee -	Managed as Trust Manager for Crown;
Tilpa -	Managed as Trust Manager for Crown;
White Cliffs -	Managed as Trust Manager for Crown;
Ivanhoe -	Managed as Trust Manager for Crown;
Mossgeil –	Devolved to Council – no trust currently in place;

Advice from NSW Trade & Investment has indicated that Council is the Trustee for all cemeteries, whether Council has agreed or not. It would appear from the following extract that should Council wish not to be the Trustee, provision is available for the Governor to proclaim that Council is the Trustee. Council therefore has no say in determining whether or not it is the Trustee of any of the cemeteries within the local Government Area.

48 Responsibility for certain public reserves (Local Government Act)

(1) Except as provided by section 98A of the [Crown Lands Act 1989](#), a council has the control of:

(a) public reserves that are not under the control of or vested in any other body or persons and are not held by a person under lease from the Crown, and

(b) public reserves that the Governor, by proclamation, places under the control of the council.

(2) If any doubt arises as to whether any land comes within the operation of this section, or as to the boundaries of a public reserve, the Governor may, by proclamation, determine the matter.

98A Responsibility for certain reserves (Crown Lands Act 1989)

(1) This section applies to a reserve that is a public reserve within the meaning of the [Local Government Act 1993](#) (other than a public reserve referred to in section 48 (1) (b) of that Act).

(2) The Minister may, by notification in the Gazette, declare that any reserve to which this section applies is for the time being under the care, control and management of the Minister.

(3) Accordingly, the council does not have control of the reserve as provided by section 48 of the [Local Government Act 1993](#).

(4) If the Minister, by later notification in the Gazette, revokes a notification under subsection (2) in relation to a reserve, section 48 of the [Local Government Act 1993](#) is taken to apply in relation to the reserve.

(5) A reference in this section to a reserve includes a reference to any part of a reserve.

(a) Policy Implications

Nil to report at this stage.

(b) Financial Implications

As advised in the body of this report.

(c) Legal Implications

Nil to report at this stage.

(d) Community Consultations

Nil to report at this stage.

RECOMMENDATION

That the Proposed Cemeteries and Crematoria Bill 2013 – Exposure Draft report be received; and further;

That Council object to the proposed legislation; the short timeframe for the consultation process and the lack of resourcing for the new legislative requirements;

That given the inadequate opportunity to consult, Council lobbies the relevant Minister to extend the consultation period;

That Council also lobby for assistance in the preparation of required documentation for compliance with the requirements of this Bill should it be passed in its present format.

SECTION 12. FINANCE MANAGER'S REPORT

12.1 INVESTMENTS AND BANK BALANCES

Schedule of Investments and Bank Balances as at 30th September, 2013							
			Term	Interest Rate	Maturity		Amount
Deposits at Call							
	Westpac	11am Call Account					\$0
Total Investments as at 30th September, 2013							\$0
Bank Balances as at 30th September, 2013							
	General Fund						-\$656,838 In Funds
	<i>(Overdraft limit: \$3,000,000)</i>						
	Trust Account						\$6,179 In Funds
At Call refers to funds held at a financial institution that can be recalled within 24 hours.							
Commercial Bills and Term Deposits are short term investments issued by a bank with a promise to pay a specified amount on settlement (being the face value plus interest).							

RECOMMENDATION

That the Schedule of Investments Report for the 30th September 2013 be received and adopted.

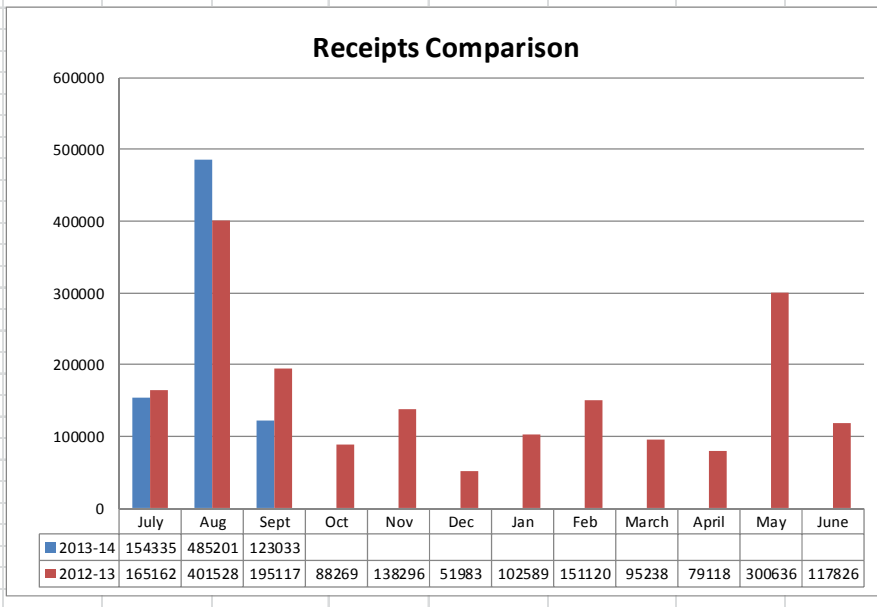
12.2 RATES REPORT

STATEMENT OF RATES and CHARGES as at 30th September 2012

Fund	YEAR TO DATE								BALANCE
	Current Levies	Current Interest	Arrears Incl Interest	TOTAL	Receipts	Adjustments W/offs & Credits	Pensioner Subsidy	Rates in Credit	
General	703,011	6,391	255,061	964,464	317,619	309	14,995		631,541
Special	33,602	577	23,303	57,481	17,065	5	0		40,412
Water	312,760	5,260	215,327	533,347	143,456	884	4,594		384,413
Sewer	105,430	1,371	55,295	162,096	45,570	11	788		115,728
Garbage	380,778	4,830	187,226	572,834	181,777	433	13,217		377,407
Excess Water	145,168	4,274	239,964	389,406	55,556	4,228	0		329,621
Charge on Land	324	0	15,251	15,575	1,526	0	0		14,049
Rates in Credit								(41,610)	(41,610)
TOTALS	\$1,681,074	\$22,704	\$991,425	\$2,695,202	\$762,570	\$5,869	\$33,593	(\$41,610)	\$1,851,561

THIS PERIOD	
Balance @ 31/08/2013	1,819,493
Interest raised	9,539
Water Levies Raised	145,168
Supplementary Levies	324
Receipts	(123,033)
W/Offs & Adjustments	0
Pensioner Rebates	1,344
Rates in Credit	(1,274)
Balance @ 30/09/2013	\$1,851,561
Net Movement	\$32,068

Aged Balances	Current	1 Year	2 Years	3 Years	4 Years	5 Years & Over	Interest	Rates in Credit	
31/08/2013	\$955,693	\$180,124	\$112,077	\$89,618	\$75,190	\$196,131	\$250,995	(\$40,336)	\$1,819,493
30/09/2013	\$997,707	\$172,409	\$109,882	\$88,225	\$73,777	\$193,533	\$257,638	(\$41,610)	\$1,851,561
Net Movement	\$42,014	-\$7,715	-\$2,195	-\$1,393	-\$1,413	-\$2,598	\$6,643	(\$1,274)	\$32,068



RECOMMENDATION

That the Rates Collection Report for September 2013 be received and adopted.

12.3 2012/13 DRAFT FINANCIAL STATEMENTS

Background

Section 415(1) of the Local Government Act 1993 (the Act) states an Auditor must audit the council's financial statements as soon as practicable. Section 413(2c) of the Act states the financial reports must include a statement in the approved form by the council as to its opinion on the general purpose financial report and the special purpose financial report.

The understanding of this is that the Statement by Councillors and Management should be signed prior to the submission of the financial statements to the Auditor for audit. The statement should also be signed in accordance with a resolution of the full council.

A draft set of financial statements for the year ended 30 June 2013 are now being prepared as Council's auditors will commence their audit on Monday 30 September 2013.

Council Requirement

A Council meeting should be held (once the Draft set of financial statements have been prepared) at which:

- (i) Council's Draft Financial Statements are "referred to audit" [sect 413(1)]
- (ii) Council must make a resolution in accordance with sect. 413(2c) that:
 - i. The annual financial report is in accordance with:
 - the Local Government Act 1993 (as amended) and the regulations made there under
 - the Australian Accounting Standards and professional pronouncements and,
 - the Local Government Code of Accounting Practice and Financial Reporting
 - . the annual financial statements;
 - presents fairly the Council's operating result and financial position for the year;
 - accords with Council's accounting and other records; and
 - that the Council is not aware of any matter that would render this report false or misleading in any way.

Given the tight timeframes within which the auditor's report must be presented to the public, it is appropriate for Council to delegate to the Acting General Manager the authority to finalise the date

at which the auditor's report and financial statements are to be presented to the public as required by sect. 418(1) of the Act.

Council should also delegate to the Acting General Manager the authority to authorise the Annual Financial Statements for issue immediately upon receipt of the auditor's reports subject to their being no material audit changes or issues. This will mean the authorised for issue date, which must be disclosed in the Council's financial statements will be the same date as the audit reports.

Commentary

Preliminary results from the draft statements before audit include:

	Draft	Actual
	2013	2012
	\$'000	\$'000
Net Operating Deficit	-1,108	-614
Net Funding Result	-1468	-606
Cash and Investments	1,002	2,934

As was the case last year, the Auditor will provide comments on Council's financial position in his report and it is expected to conclude that Council's overall financial position remains unsatisfactory. It is likely concerns will also be raised about Council's current liquidity situation and the deterioration in its capacity to restrict funds as required by the Local Government Act, Regulations and the Code of Accounting Practice.

Certification

The annual financial statements have been prepared in accordance with the:

- Local Government Act 1993(as amended) and the Regulations made there under;
- Australian Accounting Standards and professional pronouncements;
- Local Government Code of Accounting Practice and Financial Reporting;
- Local Government Asset Accounting Manual.

To the best of our knowledge and belief, these statements;

- (a) present fairly Council's financial position and operating result for the year; and
- (b) accord with Council's accounting and other records.

We are not aware of any other matter that would render the reports false or misleading in any way.

RECOMMENDATION

That:

The Draft General Purpose and Special Purpose Financial Statements be adopted.

The Mayor and Deputy Mayor be authorised to sign the Statement by Councillors and Management included in the adopted accounts on behalf of Council.

The adopted financial statements be referred to Council's external auditor.

The Acting General Manager be delegated the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.

The Acting General Manager be delegated the authority to authorise the Annual Financial Statements for issue immediately upon receipt of the auditor's report subject to there being no material audit changes or issues.

SECTION 13. CORRESPONDENCE***RECOMMENDATION***

That the Correspondence for Council be received and noted.

13.1 MEDIA RELEASES

Date	Sender	Contents
13/09/2013	Member for Murray Darling	Broken Hill Regional Events Centre Reserve trust Receives \$5,000 for website.
16/09/2013	Member for Murray-Darling	2014 Regional Flagship Events Program Funding is open.
17/09/2013	Essential Water	Essential Energy encourages customers to comment on its submission for the IPART public forum about water and sewerage pricing in Broken Hill.
17/09/2013	Essential Water	New pricing proposal to fund \$52 investment in water.
19/09/2013	Member for Murray-Darling	Williams supports legislation on the banning of selling synthetic drugs.
19/09/2013	Member for Murray-Darling	Williams welcomes new native vegetation regulation changes.
20/09/2013	Member for Murray-Darling	Williams urges Murray-Darling Councils to consider applying for infrastructure subsidy.
20/09/2013	Member for Murray-Darling	Striking a better balance for residential land lease communities.
23/09/2013	Member for Murray-Darling	Williams congratulates local attendee of early childhood conference.
24/09/2013	Independent Local Government Review Panel	Polling confirms the case for change in NSW Local Government.

Central Darling Shire Council - Ordinary Meeting - 15th October 2013

25/09/2013	Western Divison Councils of NSW	New delivery models for remote regions
25/09/2013	Member for Murray-Darling	The Small Biz Bus is heading to the Murray and Far West region.
26/09/2013	The Hon Kevin Andrews	Investing in the aged care workforce.
1/10/2013	Member for Murray-Darling	New website to put local galleries and museums on the map.
2/10/2013	Local Government NSW	Councillors dedication to Local Government recognised with awards.
2/10/2013	Local Government NSW	Mid Western Regional Council and Tumbarumba Shire Council.
2/10/2013	Member for Murray-Darling	Applications open for new teacher scholarships and training opportunities.
3/10/2013	Member for Murray-Darling	John Williams welcomes local land services leaders
8/10/2013	Member for Murray-Darling	Intersection improvements starting on Kyalite Road
8/10/2013	Member for Murray-Darling	Widening work starts on Sturt Highway
8/10/2013	Local Government NSW	First Local Government NSW Board elected.
8/10/2013	Local Government NSW	Local Government NSW calls on opposition leader to commit to vital community infrastructure funding.
8/10/2013	Local Government NSW	Rate exemption review needed to ensure equity
8/10/2013	Local Government NSW	Welcomes Ministers consideration to changes to Planning Bill.

13.2 CIRCULARS/NEWSLETTERS

Sender	Date	Contents
NSW Premier and Cabinet	23/09/2013	Circular: Local Infrastructure Renewal Scheme - Round Three now open.
NSW Department of Primary Industries and Water	27/09/2013	Circular: New provisions in the Local Government (General) Regulation 2005 for regulation of sewage and trade waste discharges to sewerage systems in regional NSW.
NSW Premier and Cabinet	4/10/2013	Circular: Release of the Divisions first edition of Locality

SECTION 14. THE RECEIPT OF REPORTS FROM COMMITTEES

RECOMMENDATION

That the Central Darling Shire Council Wilcannia Weir Committee Meeting Minutes 16th April 2013 be received and noted.

RECOMMENDATION

That the Central Darling Shire Council Wilcannia Weir Committee Meeting Minutes 18th April 2013 be received and noted.

RECOMMENDATION

That the MANEX Meeting Minutes dated Monday 16th September 2013 be received and noted.

RECOMMENDATION

That the Wilcannia Cemetery Committee Meeting Minutes dated Saturday 28th September 2013 be received and noted.

RECOMMENDATION

That the MANEX Meeting Minutes dated Thursday 3rd October 2013 be received and noted.

Central Darling Shire Council Wilcannia Weir Committee - Minutes of Meeting held 16th April 2013

Meeting commenced: 1.05pm

PRESENT

Committee Members

William Bates – Chairperson, Indigenous (Community Working Party) Representative
Jack Beetson- Wilcannia Local Aboriginal Land Council Representative
Jim Sammon – Business/Industry/Commerce Representative
Jason Harris –Community Representative
Zoe Dobson – Maari Ma Health

Community Members and Government Representatives

Jason Collins – NSW Department of Premier & Cabinet
Gerry Collins – NSW Department of Premier & Cabinet

APOLOGIES

Committee Members

Cr Eamon Sammon – Central Darling Shire Council
Cr Ray Longfellow – Mayor Central Darling Shire Council
Cr Ron Page –Central Darling Shire Council
Leeanne Ryan – Acting General Manager CDSC
Bill Elliott – Tourism representative

Welcome – The Chairperson opened the meeting and welcomed all present.

Correspondence – In/Out

Nil

Business Arising from Correspondence

Nil

Reports

Nil

General Business

- Jason & Gerry attended to provide update to the group following receipt of 'Wilcannia weir upgrade reconnaissance of four new weir sites' from NSW Office of Public Works (document sponsored by FaHCSIA)
- William highlighted previous negative experience regarding works undertaken in Wilcannia under the management of the NSW Office of Public Works
- Jason explained contract management for any works will be tendered, Public Works have been asked to cost out project quotes & provide feasibilities by end of April 2013 for 2 options;
 1. New weir
 2. Replacement weir at current site

- Document favours site B (cemetery site) as preferred option
- Jack raised concern regarding weighting of tenders or project choice will clearly align with a replacement weir (cheaper project) and not necessarily prioritise what's best for the community
- Jason stated that weighting of options will go beyond cash and take into account broader impacts – the project has opportunity to return large scale outcomes from an economic consumption perspective
- William reiterated benefits in terms of irrigation, recreation, culture, drinking water quality & community wellbeing
- Jim outlined Pooncarie's success in getting a weir despite government policy & issue of dead animal carcasses collecting at current site from which town water is also pumped
- Jason H highlighted issue with algae build up at current site
- Jason advised that should a weir project be successful this is estimated to be a 3 year \$8million project. Clarified that DPC have not received any direction in terms of steering the project (i.e. no push to favour a new or a replacement project)
- Project would require joint funding contribution of State & Federal departments, Infrastructure Australia also has an Aboriginal Infrastructure funding component
- Important to lobby with Murray Darling Basin Authority & be mindful of how / whether this project impacts on the Murray Darling Basin Plan. William suggested lobbying of NBAN as well as MDBA
- Jack queried whether fish traps will be included in scope, fish passage is mentioned in reconnaissance document however the Local Aboriginal Land Council prioritises instalment of a fish trap with rights to fish caught provided to the LALC as a means of ensuring the body's economic development.
- Jack reiterated the importance of ensuring the Wilcannia Weir Committee is included in decision making on all components of the project
- Jason advised a project working group will be formed to oversee project & mitigate red tape
- Jason assured group all correspondence will be forwarded through Committee's secretariat position for membership awareness & the same information will be provided to all interested parties – transparent process

Date of Next Meeting

18th April with John Williams, Member for Murray-Darling

Meeting closed at 1.35pm

Central Darling Shire Council Wilcannia Weir Committee - Minutes of Meeting held 18 April 2013

Meeting commenced: 2.30pm

PRESENT

Committee Members

William Bates – Chairperson, Aboriginal (Community Working Party) Representative
Jack Beetson- Wilcannia Local Aboriginal Land Council Representative
Jim Sammon – Business/Industry/Commerce Representative
Zoe Dobson – Maari Ma Health Aboriginal Corporation
Bill Elliott – Tourism Representative
Ray Longfellow – Mayor Central Darling Shire Council

Community Members and Government Representatives

John Williams MP – Member for Murray-Darling

APOLOGIES

Committee Members

Jason Harris – Deputy Chairperson
Cr Eamon Sammon – Central Darling Shire Council
Cr Ron Page – Central Darling Shire Council
Leeanne Ryan – Acting General Manager CDSC

Welcome – The Chairperson opened the meeting and welcomed all present.

Correspondence – In/Out

Nil

Business Arising from Correspondence

Nil

Reports

Nil

General Business

- William provided overview of meeting with Department of premier & Cabinet on 16th April. Reaffirmed that a new weir at a new site is the community's preference with cultural and economic development the community's priorities
- John advised of his support & strong support by Minister Humphries for this project
- John highlighted the importance of communicating with the Murray Darling Basin Authority, ensuring their support for project and identifying any conditions they may set given development of the Murray Darling Basin Plan

- Jack commented on the proven correlation between high water and low crime in town and lobbied for carp trap to be included with project with rights to any catch given to the Wilcannia Local Aboriginal Land Council to enable local economic development. Jack highlighted both points as examples of 'direct economic return' on this project
- John stated that Federal funding is critical to the project and noted that current actions underway under the Department of Premier & Cabinet are a good sign of the project progressing

Date of Next Meeting

TBA

Meeting closed at 3.04pm

Minutes for MANEX Meeting held Monday 16th September 2013

Meeting Commenced at 2:32pm

Present:

Leeanne Ryan - AGM
David Cuming - AMCC
Paul Gavin - AFM
Reece Wilson -MTES
Adelaide Elliott - EA

Apologies:

Nil

Business Arising from Minutes:

Graffiti on Knox and Downs Temporary Walls

Knox & Downs temporary walls have now been painted covering the graffiti that had been present for some time.

Training For Staff Trimming Trees

Following previous comments regarding the need for staff involved in tree trimming to be trained, MTES has been in contact with a perspective trainer and further discussions are currently taking place.

Governance:

Annual Report

EA will source the Annual Report checklist from the DLG website.

Meeting Procedures Workshop

Councillors and Senior Staff will be attending a professional development session Wednesday 18th September 2013 in relation to procedures for meeting practices.

Financial Management:

AMCCS gave an update on Council's current cash position and likely cash flows for the immediate future.

Risk Management & Work Health & Safety:

The Work Health & Safety Policy will be presented for adoption by Council at to this month's Council meeting.

Incident/Accident Reports:

One minor incident has been reported, being a trip hazard at Menindee RTC

Complaints:

AGM noted the introduction of a new Complaints Register, the first three complaints were discussed and advice given that each of these matters, have now been resolved and the complainants advised in writing.

Human Resource Management:

Wilcannia Post Office

AMCCS advised that with the Post Office Re-opening ,a staff member from the bank would be transferred to run the Post Office. This would create a vacancy in the bank and this position would need to be filled and possibly advertised.

AGM advised review of Organisational Structure is due and will be presented to Council shortly. AGM asked the managers for input.

Technical and Engineering Staff

MTES gave an update on some proposed changes within his department related to RMCC duties. It was also noted that the Labourers position for Wilcannia was still open and that some interest had been shown for the position from potential applicants.

Other Business:

AGM gave a verbal report on the NSW Cabinet Meeting in Broken Hill. A number of appointments with Minister were undertaken and advice on matters raised is yet to be forthcoming.

MTEs noted he has had no response regarding the White Cliffs water supply agreement from the relevant property owners

AFM asked if Council would be participating in graffiti day. AGM noted the EHO would be organising and registering site for Council participation.

AFM noted that there is a back fence encroaching on the lane between Reid and Woore Street and it could become a safety issue, did Councils have any responsibilities in this regard? AGM to follow up.

Meeting Closed at 3:36pm

Sunday, September 29, 2013

Minutes of the Wilcannia cemetery committee held on Saturday the 28th of September 2013.

Meeting opened at 11.11

Present.

J.Sammon, S.Evans, C.Elliott, T.Kennedy, P.Edwards, P.Gavin, J.Pineo

Apology's.

Germaine Bates, Bill Elliott, Emma Fotopoulos.

Minutes of the previous meeting were read.

Moved S.Evans, seconded Paul Gavin that the minutes be accepted.

Matters arising.

Question asked as to whether there had been a reply from Council re discussing the layout of the cemetery, and Liz Vines report in to restoring old headstones.

Secretary read out the reply from the Council and also tabled the documentation that came with the letter about restoration programs that had been done at cemetery's elsewhere.

General discussion took place about getting the committee and council representatives together to do a site visit at the cemetery and try and put together a definite plan of what is the future cemetery layout likely to be so that structures such as shed, toilets etc are suitably located and are of suitable construction.

Moved C.Elliott, seconded S.Evans that the secretary contacts the environmental services department by phone requesting that a meeting of committee members and council representatives take place as discussed.

General Business.

Discussion about the definition of a burial rites owner and what needs to be done about contacting them before any headstone restoration can take place.

Chris Elliott advised that the identified headstones we have earmarked for restoration were put on to the tourism committee's website and had also been advertised in the Wilcannia news. Further discussion took place and it was decided that we may be better to advertise in the Barrier Daily Truth about our intentions so as to reach a broader audience. We should also try and include other towns in the shire who may also have intentions of doing a similar program. Paul and Chris are going to put something suitable together along these lines.

Suggestion of a working bee to be held at 9.00am on Saturday the 14th of October to do some cleaning up.

Meeting closed at 12.00pm.



Minutes of MANEX Meeting held Thursday 3rd October 2013

Meeting Commenced at 10:00am

Present

Leeanne Ryan -Acting GM

Reece Wilson -MTES

Paul Gavin -AFM

David Cuming - FM

Apologies

Adelaide Elliott - EA

Business Arising from Minutes

Nil

Governance

Acting GM advised Council's Public Interest Disclosures Policy requires updating. A draft is being prepared for the Council Agenda. The GIPA Guide also needs to be reviewed, and will be presented to Council at the October Council meeting.

Delegations are also due for review and will be completed shortly.

Financial Management

Acting FM gave an update on Council's financial status.

Council's Financial Statements are being prepared with Council's auditors visiting this week.

Risk Management

MTES advised he was reviewing risk documents required for RMS works. It was advised that further risk documents were required from LGNSW website.

Incident/Accident Reports

Kangaroo damage to bush ganger's vehicle was reported.

Plant replacement was discussed – there are a number of vehicles approaching changeover.

Complaints

One complaint had been received regarding water notice reading; previously reported but no action had been taken.

Human Resource Management:

Acting GM advised Staff Organisational Structure was being reviewed and will be presented to the October Council meeting. Managers were asked for input from their departments.

A number of staff appraisals remain outstanding in Finance and Corporate Services. Acting MCCA and Acting FM advised they will be completed shortly.

Union Picnic Day will be held on 4 October 2013.

Administration Officer – Engineering returns from leave next week.

Other Business:

Oval lights – Acting GM advised MANEX she had received a request from Save the Children seeking for the oval lights at Wilcannia to be left on until 10pm each night to minimize roaming around streets. It was stated it would give a semi safe place for children to gather. MTES advised the lights were manual not automatic. It was agreed that a quote be sought for automatic controller of the lights, and further discussion occur after the quote has been received. Perhaps Council could trial this for a 3 month period; a similar program in Bourke is reportedly working successfully.

Opal fuel - Acting GM advised MANEX she had received a request from Save the Children seeking Council to support the use of opal fuel in Wilcannia. MANEX requested more information from Save the Children on the proposal.

Acting GM advised the Ivanhoe Saleyards were being utilized for a ram sale on 4 October 2013. MTES advised outdoor staff were assisting with preparation of the yards for the sale. It was noted this was the first sale that had been held at the facility for a number of years.

Acting GM advised MANEX that the Mayor, Deputy Mayor, Cr Astill and Cr Standley were at the LGNSW conference in Sydney, and had taken the opportunity to visit a number of Ministers. Discussions were held with Minister Hodgkinson regarding the White Cliffs water supply, and also with RMS regarding roads.

Acting FM advised funding was available for Countrylink bus shelters.

Acting FM also advised CMCA could assist with installation of a dump point for caravans in Wilcannia.

Meeting Concluded at 11:10am

SECTION 14. DELEGATES' REPORTS

RECOMMENDATION

That the Delegates' reports be received and noted.

SECTION 16. QUESTIONS WITH NOTICE

RECOMMENDATION

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

16.1 CR LOONEY

1. In 2012 Shire received funding to do an assessment on the options for suitable waterway crossings for Yampoola crossing, Pooncarie road. A portion of the money was used to pay Barnson for their report. How was the rest of the money spent?

Answer: Funding received in 2012 for MR68C Pooncarie Rd included the Regional Road Block Grant and Flood Restoration. No additional funding was received for assessments on suitable waterway crossings for Yampoola Creek, funding for the Barnson report was sourced from the Regional Road Block Grant. For information:

- \$232,090 was spent on the road last financial year
- \$18,719 Barnson – Hydrology Study and Crossing Options Report
- \$17,000 Western Research Institute – Economic impact Assessment
- \$140,480 Maintenance Grading
- \$55,891 Safety and Traffic Works

SECTION 17. URGENT BUSINESS

SECTION 18. CONFIDENTIAL MEETING

CLOSED COUNCIL

Confidential Reports

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

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

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

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

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

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

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

(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in 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.

Reports to be Considered in Closed Council

RECOMMENDATION

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

18.1 WILCANNIA WS & SGE AUGMENTATION – CIVIL WORKS

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

The purpose of this report is to update Council with respect to the status of the Civil Works component of the Wilcannia Water Supply and Sewerage Augmentation (2012).

18.2 LEGAL PROCEEDINGS

ATTACHMENT 12

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (a) personnel matters concerning particular individuals other than Councillors.

Summary

This report provides an update to Council on recent legal proceedings.

SECTION 19. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 19th November 2013 in White Cliffs commencing at 9:30am.
