

# **ATTACHMENTS**



## **ORDINARY MEETING AGENDA**

**THURSDAY 11 DECEMBER 2014**

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## ~ REFERENCE TO ATTACHMENTS ~

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# **COBAR SHIRE COUNCIL**

## **CONTRACT OF EMPLOYMENT**



### **GENERAL MANAGER**

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# CONTRACT OF EMPLOYMENT

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This contract of employment is made on 12th day of July 2015

**BETWEEN:** Cobar Shire Council in the State of New South Wales hereunder referred to as the Council

**AND: Gary John Woodman**

OF: 17 Blakey Street  
COBAR NSW 2835

hereunder referred to as the employee.

## 1. POSITION

1.1 The position to which this contract applies is that of General Manager.

**NOTE: A person who has held civic office in relation to Council must not be appointed to any paid position on the staff of Council within 6 months after ceasing to hold the office: section 354 of the Act.**

## 2. TERM

2.1 Subject to the terms and conditions in this contract, Council will employ the employee for a term of five years commencing on 12 July 2015 and terminating on 11 July 2020.

**NOTE: The term of this contract must not be less than 12 months or more than 5 years (including any option for renewal): section 338 of the Act.**

## 3. DEFINITIONS

3.1 In this contract, unless otherwise stated or indicated:

*the Act* means the Local Government Act 1993

*Code of conduct* means the document within the meaning of section 440 of the Act adopted by Council and which incorporates the provisions of the model code

*Commencement date* means the date that this contract commences as specified in Clause 2

*Confidential information* means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than that which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of Council or any undertaking from time to time carried out by Council

**Director-General** means the Director-General of the New South Wales Department of Local Government

**Equal employment opportunity management plan** means the document a council must prepare under Part 4 of Chapter 11 of the Act

**Minister** means the New South Wales Minister for Local Government

**Model Code** means the Model Code of Conduct for Local Councils in NSW prescribed by the Regulation.

**Month** means the calendar month

**Performance agreement** means the agreement referred to in clause 7

**Performance criteria** means the criteria to which a performance review is to have regard

**Performance review** means a review of the employee's performance conducted in accordance with the procedures under clause 7

**the position** means the position referred to in clause 1

**the Regulation** means the *Local Government (General) Regulation 2005*.

**Senior executive office holder (New South Wales Public Service)** means the holder of a senior executive position within the meaning of the *Public Sector Employment and Management Act 2002*

**Statutory and Other Officers Remuneration Tribunal** means the Statutory and Other Officers Tribunal constituted under the *Statutory and Other Officers Remuneration Act 1975*

**Termination date** means the date that this contract terminates as specified in clause 2.

- 3.2 Expressions in this contract corresponding with expressions that are defined in the Act have those meanings.

#### 4. CONTRACT OPERATION AND APPLICATION

- 4.1 This contract constitutes a contract of employment for the purpose of section 338 of the Act, and governs the employment of the employee while in the position.
- 4.2 A reference in this contract to any Act or regulation, or any provisions of any Act or regulation, includes a reference to subsequent amendments of that Act, regulation or provision.

- 4.3 A reference to a Schedule to this contract refers to a Schedule as may be varied in accordance with this contract, and applies whether or not the Schedule has been physically attached to this contract.
- 4.4 Where the mayor or any other person is lawfully authorised to act as Council or Council's delegate for the purpose of this contract, this contract will be construed as if:
- (a) any reference to Council includes a reference to that authorised person, and
  - (b) any reference to a requirement for Council's approval includes a reference to a requirement for that authorised person's written approval.
- 4.5 Any staff entitlement under a lawful policy of Council as adopted by Council from time to time and that is set out in Schedule A will apply to the employee unless this contract makes express provisions to the contrary. Schedule A may be varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld.

**NOTE: Only those policies that create entitlements are to be sent out in Schedule A. Schedule A policies are distinct from those which create a duty or function as referred to in clause 6.1.4 and which are not required to be set out in Schedule A.**

- 4.6 Subject to clauses 7 and 13, the terms of this contract, as varied from time to time in accordance with this contract, represents the entire terms of all agreements between the employee and Council and replace all other representations, understandings or arrangements made between the employee and Council that relates to the employment of the employee in the position.

**NOTE: The contract authorises the making of agreements that are linked to the contract. Clause 7 requires the parties to sign a performance agreement. Clause 13 allows either party to require the other to sign a confidentiality agreement for the purpose of protecting intellectual property.**

## 5. RENEWAL OF APPOINTMENT

- 5.1. At least 9 months before the termination date (or 6 months if the term of employment is less than 3 years) the employee will apply to Council in writing if seeking the re-appointment to the position.
- 5.2 At least 6 months before the termination date (3 months if the term of employment is for less than 3 years) Council will respond to the employee's application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee's application for re-appointment.
- 5.3 At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee's decision to either accept or decline any offer made by Council under subclause 5.2.

- 5.4 In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.

## 6. DUTIES AND FUNCTIONS

6.1 The employee will:

- 6.1.1 To the best of their ability, meet the performance criteria set out in the performance agreement as varied from time to time,
- 6.1.2 Carry out the duties and functions imposed by the Act and Regulation, or any other Act and associated regulations, which include but are not limited to:
- (a) the efficient and effective operation of Council's organisation,
  - (b) implementing, without undue delay, the decisions of Council,
  - (c) exercising such of the functions of Council as are delegated by Council to the employee,
  - (d) appointing staff in accordance with an organisation structure and resources approved by Council,
  - (e) directing and dismissing staff,
  - (f) implementing Council's equal employment opportunity management plan,
  - (g) consulting with Council prior to the appointment or dismissal of senior staff,
  - (h) reporting to Council, at least once annually, on the contractual conditions of senior staff,
  - (i) giving immediate notice to Council on becoming bankrupt or making a composition, arrangement or assignment for the benefit of the employee's creditors and providing Council, within the time specified by Council, with any further information concerning the clause of the bankruptcy or of the making of the composition, arrangement or assignment,
  - (j) subject to subclause 6.2.3, providing advice and recommendations to Council or the mayor if directed to do so,
  - (k) not engaging, for remuneration, in private employment or contract work outside the service of Council without the approval of Council,
  - (l) not approving, where appropriate, any member of council staff from engaging, for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or that might conflict with the staff member's Council duties,
  - (m) Acting honestly and exercising a reasonable degree of care and diligence in carrying out the employee's duties and functions,
  - (n) Complying with the provisions of the code of conduct,
  - (o) Preparing and submitting written returns of interest and disclosing pecuniary interests in accordance with the Act and the Regulation

**NOTE: Sections 335, 337, 339, 341, 352, 353, 439, 440 and 445 of the Act**



6.1.3 Carry out the duties and functions set out in Schedule B as varied from time to time by agreement between the employee and Council, such agreement not to be unreasonably withheld.

**NOTE: Schedule B may include additional duties and functions, for example, those related to special projects.**

6.1.4 Carry out the duties and functions set out in the policies of Council as adopted by Council from time to time during the term of this contract,

6.1.5 Observe and carry out all lawful directions given by Council, in relation to the performance of the employee's duties and functions under this contract,

6.1.6 Work such reasonable hours as are necessary to carry out the duties and functions of the position and the employee's obligations under this contract,

6.1.7 Obtain the approval of the Council for any absences from the business of Council,

6.1.8 Promote ethical work practices and maintain a culture of integrity and professionalism where Council staff members treat each other, members of the public, customers and service providers with respect and fairness,

6.1.9 Facilitate Council staff awareness of the procedures for making protected disclosures and of the protection provided by the *Protected Disclosures Act 1994*.

6.1.10 Take all reasonable steps to ensure that actions and policies of Council accord with the strategic intent of Council,

6.1.11 Take all reasonable steps to maximise compliance with relevant legislative requirements,

6.1.12 Maintain effective corporate and human resource planning,

6.1.13 Maintain the Council staff performance management system,

6.1.14 Maintain satisfactory operation of Council's internal controls, reporting systems (including protected disclosures), grievance procedures, the documentation of decision-making and sound financial management,

6.1.15 Develop procedures to ensure the code of conduct is periodically reviewed so that it is in accordance with the Act and Regulation and adequately reflects specific organisational values and requirements,

- 6.1.16 Promote and facilitate compliance with the code of conduct ensuring that each councillor and Council staff member is familiar with its provisions, and
- 6.1.17 Report to Council on any overseas travel taken by the employee or any Council staff member where that travel is funded in whole or in part by Council.

6.2 Council:

- 6.2.1 Will provide adequate resources to enable the employee to carry out the duties and functions specified in subclause 6.1 and Schedule B,
- 6.2.2 Will provide the employee with reasonable opportunities to participate in professional development initiatives relevant to the duties and functions under this contract subject to the operational needs of Council, and
- 6.2.3 Will not direct the employee as to the content of any advice or recommendation made by the employee.

**NOTE: Sections 352 of the Act.**

## 7. PERFORMANCE AGREEMENT AND REVIEW

- 7.1 Within 3 months after the commencement date, the employee and Council will sign a performance agreement setting out agreed performance criteria.
- 7.2 In the event that the employee and Council are unable to agree on the performance criteria, Council will determine such performance criteria that are reasonable and consistent with the employee's duties and functions under clause 6 and in Schedule B.
- 7.3 The performance agreement may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonable withheld.
- 7.4 Within 2 months after signing or varying the performance agreement, the employee will prepare and submit to Council an action plan which sets out how the performance criteria are to be met.
- 7.5 Council will ensure that the employee's performance is reviewed (and, where appropriate, the performance agreement varied) at least annually. Any such review is to have regard to the performance criteria.

**NOTE: Council may review the employee's performance every 6 months or more frequently if necessary.**

- 7.5.1 The employee will give Council 21 days' written notice that an annual performance review in accordance with subclause 7.5 is due.
- 7.6 Council will give the employee at least 10 days notice in writing that any performance review is to be conducted.

- 7.7 The structure and process of the performance review is at the discretion of Council following consultation with the employee.
- 7.8 The employee may prepare and submit to Council an assessment of the employee's own performance prior to a performance review.
- 7.9 Within 6 weeks from the conclusion of a performance review, Council will prepare and send to the employee a written statement that sets out:
- (a) Council's conclusions about the employee's performance during the performance review period,
  - (b) Any proposal by Council to vary the performance criteria as a consequence of a performance review, and
  - (c) Any directions or recommendations made by Council to the employee in relation to the employee's future performance of the duties of the position.
- 7.10 The employee and Council will, as soon as possible after the employee receives the written statement referred to in subclause 7.10, attempt to come to agreement on any proposal by Council to vary the performance criteria and on any recommendations by Council as to the future performance of the duties of the position by the employee.
- 7.11 Subject to the employee being available and willing to attend a performance review, Council undertakes that if a performance review is not held in accordance with this clause, this will not operate to the prejudice of the employee unless the employee is responsible for the failure to hold the performance review.

## 8. REMUNERATION

- 8.1 Council will provide the employee with the total remuneration package set out in Schedule C.
- 8.2 The total remuneration package includes salary, compulsory employer superannuation contributions and other benefits including any fringe benefits tax payable on such benefits.

**NOTE: Compulsory employer superannuation contributions are those contributions required under the *Superannuation Guarantee Charge Act 1992* of the Commonwealth and any contributions required to be paid for an employee under a superannuation arrangement entered into by Council for that employee. See Schedule C.**

- 8.3 Council may, on only one occasion during each year of this contract, approve an increase in the total remuneration package where the employee's performance has been assessed in accordance with a performance review as being of a better than satisfactory standard.
- 8.4 Any increase in remuneration approved under subclause 8.3 will not be paid as a lump sum.

8.5 On each anniversary of the commencement date, the total remuneration package will be increased by a percentage amount that is equivalent to the latest percentage amount increase in remuneration for senior executive officer holders as determined by the Statutory and Other Officers Remuneration Tribunal.

**NOTE:** When making determinations referred to in subclause 8.5, the Tribunal takes into account key national economic indicators and movements in public sector remuneration across Australia, market conditions, the Consumer Price Index and wages growth as measured by the Wage Cost Index. Tribunal determinations are published in the Government Gazette and are available at [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au). The Premier's Department issues periodic Memoranda summarising the Tribunals determinations. These Memoranda are available at [www.premiers.nsw.gov.au](http://www.premiers.nsw.gov.au)

8.6 The structure of the total remuneration package may be varied from time to time during the term of this contract by agreement between the employee and Council, such agreement not to be unreasonably withheld.

8.7 The total remuneration package, as varied from time to time, remunerates the employee for all work undertaken by the employee while in the position. No other remuneration, benefit, overtime or allowances other than those to which the employee may be entitled under this contract will be paid to the employee during the term of this contract.

## 9. LEAVE

### 9.1 General

9.1.1 Council will pay remuneration calculated in accordance with Schedule C to the employee proceeding on paid leave under this clause.

9.1.2 On the termination of this contract, and if the employee is not re-appointed to the position under Clause 5 or appointed to any other position in Council's organisation structure, the Council will pay:

- (a) To the employee in the case of annual leave, or
- (b) To the employee or new employer council in the case of long service leave, accrued but unused leave entitlements calculated at the monetary value of the total remuneration package as specified in Schedule C.

9.1.3 If the employee is re-appointed to the position under clause 5 or appointed to any other position in Council's organisation structure within 3 months after the termination of this contract, the employee will be taken to have continuing service with Council for the purpose of determining the employee's entitlement to annual leave, long service leave and sick leave.

9.1.4 Any leave accrued with Council standing to the credit of the employee immediately prior to entering into this contract will be taken to be leave for the purposes of this contract.

## **9.2 Annual leave**

The employee is entitled to 4 weeks paid annual leave during each year of employment under this contract to be taken as agreed between the employee and Council.

## **9.3 Long service leave**

9.3.1 The employee's entitlement to long service leave is to be calculated by the same method that applies to a non-senior member of Council staff.

9.3.2 Long service leave is transferable between councils in New South Wales in the same manner that applies to a non-senior member of Council staff.

## **9.4 Sick leave**

9.4.1 The employee is entitled to 3 weeks paid sick leave during each year of employment under this contract provided that:

- (a) Council is satisfied that the sickness is such that it justifies time off, and
- (b) satisfactory proof of illness to justify payment is provided to Council for absences in excess of two days.

9.4.2 Sick leave will accumulate from year to year of employment under this contract so that any balance of leave not taken in any one year may be taken in a subsequent year.

9.4.3 Council may require the employee to attend a doctor nominated by Council at Council's cost.

9.4.4 Accrued but unused sick leave will not be paid out on the termination of this contract.

## **9.5 Parental leave**

9.5.1 Parental leave includes supporting parent's leave, maternity leave, paternity leave and adoption leave.

9.5.2 The employee is entitled to the same parental leave that a non-senior member of Council staff would be entitled.

## **9.6 Carer's leave**

The employee is entitled to the same carer's leave that a non-senior member of Council staff would be entitled.

## **9.7 Concessional leave**

The employee is entitled to the same concessional leave that a non-senior member of Council staff would be entitled.

## **9.8 Special leave**

Council may grant special leave, with or without pay, to the employee for a period as determined by Council to cover any specific matter approved by Council.

## **10. TERMINATION**

### **10.1 General**

On termination of this contract for any reason the employee will immediately return to Council all property of Council in the employee's possession including intellectual property and confidential information and will not keep or make any copies of such property and information.

### **10.2 Termination date**

The employment of the employee under this contract terminates on the termination date.

### **10.3 Termination by either the employee or Council**

This contract may be terminated before the termination date by way of any of the following:

- 10.3.1 Written agreement between the employee and Council,
- 10.3.2 The employee giving 4 weeks' written notice to Council
- 10.3.3 Council giving 4 weeks' written notice to the employee, or alternatively by termination payment under subclause 11.1, where:
  - (a) the employee has been incapacitated for a period of not less than 12 weeks and the employee's entitlement to sick leave has been exhausted,
  - (b) the duration of the employee's incapacity remains indefinite or is likely to be for a period that would make it unreasonable for the contract to be continued.
- 10.3.4 Council giving 13 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.2 where Council:
  - (a) Has conducted a performance review, and
  - (b) Concluded that the employee has not substantially met the performance criteria or the terms of the performance agreement.
- 10.3.5 Council giving 38 weeks' written notice to the employee, or alternatively, by termination payment under subclause 11.3.

## 10.4 Summary dismissal

- 10.4.1 Council may terminate this contract at any time and without notice if the employee commits any act that would entitle an employer to summarily dismiss the employee. Such acts include but are not limited to:
- (a) Serious or persistent breach of any of the terms of this contract,
  - (b) Serious and wilful disobedience of any reasonable and lawful instruction or direction given by Council,
  - (c) Serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the employee's duties and functions under this contract.
  - (d) Failure to comply with any law or Council policy concerning sexual harassment or racial or religious vilification,
  - (e) Commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the employee's ability to perform the employee's duties and functions satisfactorily, or in the opinion of Council brings Council into disrepute,
  - (f) Absence from the business of council without Council approval for a period of 3 or more consecutive business days.
- 10.4.2 This contract is terminated immediately without notice if the employee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.

## 11. TERMINATION PAYMENTS

- 11.1 On termination of this contract under subclause 10.3.3, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 4 weeks' remuneration calculated in accordance with Schedule C.
- 11.2 On termination of this contract under subclause 10.3.4, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 13 weeks' remuneration calculated in accordance with Schedule C.
- 11.3 On termination of this contract under subclause 10.3.5, where written notice has not been given, Council will pay the employee a monetary amount equivalent to 38 weeks' remuneration calculated in accordance with Schedule C, or the remuneration which the employee would have received if the employee had been employed by Council to the termination date, whichever is the lesser.
- 11.4 On termination of this contract under subclause 10.3.1, 10.3.2, 10.4.1 or 10.4.2, Council will pay the employee remuneration up to and including the

date of termination calculated in accordance with Schedule C and any other payment to which the employee is entitled under this contract.

## 12. EXPENSES AND CREDIT CARDS

In addition to any duties or entitlements that may be set out in any relevant policies of Council as adopted by Council from time to time, the employee will:

- 12.1 Keep such records of expenses, travel and motor vehicle use as required by Council from time to time,
- 12.2 Be reimbursed by Council for expenses properly incurred on Council business, subject to Council's prior approval to this expense being incurred,
- 12.3 Only use any credit card provided by Council for expenses incurred on Council business, and
- 12.4 Return any credit card provided by Council on request from Council.

## 13. INTELLECTUAL PROPERTY

- 13.1 Any literary work, computer program invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract is the sole property of Council and Council will, unless otherwise agreed, have the exclusive right to use, adapt, patent and otherwise register it.
- 13.2 The employee will immediately disclose to Council any literary work, computer program invention, design, patent, copyright, trademark, improvement or idea developed by the employee after the commencement date to enable Council to ascertain whether it was discovered, developed or produced wholly outside and wholly unconnected with the course of employment under this contract.
- 13.3 To protect disclosures made in accordance with subclause 13.2, Council or the employee may require a confidentiality agreement to be signed prior to, during or immediately after discussion of the intellectual property being considered.

**NOTE:** IP Australia, the Commonwealth Government intellectual property agency, has developed a Confidentiality Agreement Generator for the purpose of preparing intellectual property confidentiality agreements. It is available at [www.ipaustralia.gov.au/smartstart/cag.htm](http://www.ipaustralia.gov.au/smartstart/cag.htm) .

- 13.4 The employee assigns to Council by way of future assignment all copyright, design, design right and other property rights (if any) in respect to any literary work, computer program, invention, design, patent, copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract.
- 13.5 At the request and expense of Council the employee will complete all necessary deeds and documents and take all action necessary to vest in Council any literary work, computer program, invention, design, patent,



copyright, trademark, improvement or idea developed by the employee in the course of employment under this contract and obtain for Council the full benefit of all patent, trademark, copyright and other forms of protection throughout the world.

#### **14. CONFIDENTIAL INFORMATION**

The employee will not divulge any confidential information about Council either during or after the term of their employment under this contract.

#### **15. WAIVER**

The failure of either the employee or Council to enforce at any time any provision of this contract or any right under this contract or to exercise any election in this contract will in no way be considered to be a waiver of such provision, right or election and will not affect the validity of this contract.

#### **16. INCONSISTENCY AND SEVERANCE**

16.1 Each provision of this contract will be read and construed independently of the other provisions so that if one or more are held to be invalid for any reason, then the remaining provisions will be held to be valid.

16.2 If a provision of this contract is found to be void or unenforceable but would be valid if some part were deleted, the provision will apply with such modification as may be necessary to make it valid and effective.

#### **17. DISPUTE RESOLUTION**

17.1 In relation to any matter under this contract that may be in dispute, either the employee or Council may:

- (a) Give written notice to each other of the particulars of any matter in dispute, and
- (b) Within 14 days of receiving a notice specified in subclause 17.1(a), a meeting will be convened between Council (along with any nominated representative of Council) and the employee (along with any nominated representative of the employee) in an attempt to resolve the dispute.

17.2 The employee and Council will attempt to resolve the dispute at the workplace level.

17.3 Upon failure to resolve the dispute at the workplace level, the employee and Council will:

- (a) refer the dispute to an independent mediator as agreed by the employee and Council, or otherwise as appointed by the Director-General,
- (b) agree to participate in any mediation process in good faith, with such mediation to operate in a manner as agreed by the employee and Council, and
- (c) acknowledge the right of either the employee or Council to appoint, in writing, another person to act on their behalf in relation to any mediation process.

- 17.4 The cost of the mediation service will be met by Council.
- 17.5 The employee and Council will each be responsible for meeting the cost of any advisor or nominated representative used by them.

## 18. SERVICE OF NOTICES AND COMMUNICATIONS

- 18.1 Any communication, including notices, relating to this contract will be in writing and served on the employee or Council at their last known residential or business address in accordance with subclause 18.2.
- 18.2 Any written communication including notices relating to this contract is taken to be served:
- (a) When delivered or served in person, immediately,
  - (b) Where served by express post at an address within New South Wales in the Express Post Network, on the next business day after it is posted,
  - (c) Where served by post otherwise in the ordinary course of postage, as set down in Australia Post's delivery standards, and
  - (d) Where sent by facsimile, within standard business hours otherwise on the next business day after it is sent.

## 19. VARIATIONS

- 19.1 Where this contract provides that its terms may be varied, that variation will be by agreement in writing signed by the employee and Council.

**NOTE: See clauses 4.5, 6.1.3, 7.3, 8.6 and 19.2.**

- 19.2 Where the Director-General approves an amended or substitution standard form of contract for the employment of the general manager of a council, the provisions of this contract may be varied by agreement between the employee and Council to the extent that they are consistent with the provisions of that amended or substitution standard form of contract.

**NOTE: See section 338 of the Act.**

## 20. OTHER TERMS AND CONDITIONS

- 20.1 The employee and Council acknowledge that they have sought or had the opportunity to seek their own legal and financial advice prior to entering this contract.
- 20.2 In accordance with section 731 of the Act, nothing in this contract gives rise to any action, liability, claim or demand against the Minister, the Director-General or any person acting under their direction.

**21. SIGNED BY THE EMPLOYEE AND COUNCIL**

**COUNCIL:**

The Seal of

Cobar Shire Council

affixed by authority of a resolution of Council.

Signed by Council \_\_\_\_\_

Date 12 December 2014

Name of signatory  
in full (printed) Lilliane Olive Brady

Office held (printed) Mayor

Signed by Witness \_\_\_\_\_

Name of witness  
in full (printed) Michelle Angela Maidens

**THE EMPLOYEE:**

Signed by the  
Employee \_\_\_\_\_

Date 12 December 2014

Name of employee  
in full (printed) Gary John Woodman

Signed by witness \_\_\_\_\_

Name of witness  
in full (printed) Michelle Angela Maidens

# SCHEDULE A

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## COUNCIL POLICIES

**NOTE: This Schedule may be varied during the term of this contract in accordance with subclauses 4.5 and 19.1 of this contract.**

This Schedule operates on and from 12 July 2015

For the purposes of subclause 4.5 of this contract, the following policies apply to the employee:

- Payment of Telephone Services Policy
- Uniform Policy
- Housing Policy
- Policy for the Provision and Use of Council's Corporate Credit Card
- Provision of Motor Vehicles Policy
- Reimbursement of Staff Training Expenses Policy

Signed by  
Council

---

Signed by the  
Employee

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# SCHEDULE B

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## DUTIES AND FUNCTIONS

**NOTE: This Schedule may be varied during the term of this contract in accordance with subclauses 6.1.3 and 19.1 of this contract.**

This Schedule operates on and from 12 July 2015.

In addition to the duties and functions specified in clause 6 of this contract, the employee will carry out the duties and functions as per the attached Job Description.

Signed by  
Council

---

Signed by the  
Employee

---



## COBAR SHIRE COUNCIL POSITION DESCRIPTION

**POSITION:** General Manager  
**NAME:** Gary Woodman  
**REPORTS TO:** Mayor  
**ACCOUNTABLE TO:** Council

### **POSITIONS REPORTING TO GENERAL MANAGER:**

- Director of Corporate & Community Services
- Director of Planning & Environmental Services
- Director of Engineering Services
- Special Projects Officer
- Executive Assistant

*Note: This is not a static document, management reserves the right to review and amend this job description in consultation with the position holder from time to time as the need arises.*

### **9.9 POSITION OBJECTIVES**

The General Manager is Council's principal staff officer, exercising overall management responsibly for Council's operations.

The General Manager:

- Acts as the primary link between Councillors and the organisation, and is responsible for providing assistance to Councillors in developing policy.
- Provides leadership to staff in achieving Council objectives.
- Oversees the financial management of Council.
- Communicates and promotes Council's policies to the community it serves.

### **9.10 POSITION RESPONSIBILITIES & 9.11 PERFORMANCE MEASURES**

### **THE GENERAL MANAGER WORKS WITH COUNCIL:**

1. To advise Council and the Mayor on policy matters.
  - Review, update and recommend policy.



- Continually research changes in Local Government and relevant industry related legislation.
- Provide all necessary support to the Mayor in carrying out his or her duties.
- Attend and contribute to Council Committees as required.

**Performance Measures:**

*Policy recommendations go to Council to an agreed schedule, advice is current and available to elected member satisfaction. All reasonable Mayoral requests are met within Council policy. Attendance and contribution to all Council Meetings and required Committee Meetings.*

2. To provide an interface between employees and Council.

- Monitor reports and other information provided by staff to Council.
- Make information, policies, resolutions and requests available from staff to Council.

**Performance Measures:**

*Correct, timely and consolidated information flow to Council. All action items addressed within a month or to an agreed schedule. Staff to disseminate up to date information.*

**THE GENERAL MANAGER MANAGES THE ORGANISATION:**

3. To provide planning.

- Ensure preparation of the Annual Operational Plan.
- Ensure preparation of the State of the Environment Plan.
- Ensure the organisational structure is appropriate.
- Ensure appropriate delegations are in place.
- Manage and control the organisation in cost effective and operationally efficient manner, in accordance with the Council's policies, resolutions, approved annual operating plan and budget to achieve the Annual Operational Plan.
- Keep Council informed about progress on the Operational Plan.

**Performance Measures:**

Plans presented as required by the Act. Structure and delegations are reported to Council annually. Council is informed of its commercial options. Annual Operational Plan being achieved effectively, efficiently and reported four times a year.

4. To provide financial management.

- Ensure preparation of Council's Annual Budget.
- Ensure proper use and care of Council's assets.
- Keep Council informed of its financial position.

**Performance Measures:**

*Draft budget submitted as required by the Act. Australian Accounting Standards implemented to schedule appropriate use of the financial delegations. Finance report four times a year.*

5. To provide people management.

- Provide leadership by being visible and positive.
- Ensure decision-making processes are appropriate.
- Communicate decisions and all other relevant information to staff through their managers.
- Oversee and support the introduction of job and work design programs.
- Develop and implement improved performance management systems.
- Provide development opportunities for staff.
- Promote equitable work practices.
- Promote a safe and healthy workplace.
- Provide an internal procedure for managing disputes and grievances.

Performance Measures:

*General Manager is visible in the organisation, decisions are made at the right level, appropriate consultative processes are in place, performance feedback and development processes in place and reported to Council. Equal Employment Opportunity and Workplace Health and Safety matters are properly undertaken as required by the legislation and good management practice. Grievance procedures are in place.*

THE GENERAL MANAGER MANAGES THE ADMINISTRATION'S DEALINGS

WITH THE COMMUNITY AND OTHER GOVERNMENT BODIES:

6. To provide an effective public contact facility for residents and other clients of Council.

- Ensure the organisation's counter, telephone and other public contact activities are professional.

Performance Measures:

*Contacts are courteous, timely and accurate.*

7. To be spokesperson for the Council in its dealings with the community and the media, subject to consultation with the mayor.

- Disseminate information to the media in accordance with Council's policy.
- Address community groups on request.

Performance Measures:

*Media reports cover all major Council initiatives. Informed, professional presentations are provided on request. Council's achievements are publicised.*

8. To maintain a safe public environment.

- Ensure proper management of Council's risk management program.

Performance Measures:

*An appropriate risk management program is in place to reduce public liability claims.*

9. To develop and maintain Council's contacts with the community, governmental and business bodies.

- Be a member of external committees as approved by Council.
- Actively seek out the stakeholders in Council affairs and ensure that Council policy is known to them.
- Ensure Council is aware of all relevant matters that may impact on its activities and policies.

Performance Measures:

*Appropriate attendance at all meetings. Community, government and business groups are aware of Council's position and information relevant to Council's policy making is reported to Council.*

10. The General Manager will also occupy the position of Secretary of the Cobar Water Board.

- To oversee the financial, administrative and technical operations of the Board.
- Ensure that the members of the Board are aware of all relevant matters, which may impact on its activities and policies.
- Ensure that all legal, legislative and statutory requirements of the Board are met.

Performance Measures:

*Appropriate attendance at all required meetings. Correct, timely and consolidated information flow to the Board. All action items addressed within the agreed schedule. Contract staff give out up to date information. All legal obligations met.*

**SELECTION CRITERIA.**

Essential.

1. Relevant tertiary qualifications.
2. Demonstrated experience in Local Government and knowledge of relevant legislation
3. Minimum of 5 years' experience in a senior management role.
4. The ability to provide straightforward policy advice to council.
5. Ability to work with the existing corporate plan and policy direction of council.
6. A sound knowledge of economic development and infrastructure management issues.
7. Strong analytical skills and the ability to be an effective trouble shooter and negotiator.
8. Strong understanding of financial management principles and demonstrated knowledge thereof.

9. Demonstrated management and leadership skills, capacity to work with other senior staff and the ability to foster a team approach.
10. The ability to promote and represent the Council and its opportunities to the community and associated organisations.
11. The ability to work with and within legislation including industrial relations, equal employment opportunity and workplace health and safety principles.

**Desirable:**

1. Post-graduate management qualifications.
2. Strength of purpose and the ability to make things happen.

## REMUNERATION SCHEDULE

**NOTE:** This schedule will be amended over the life of the contract.

**REMUNERATION:** The total salary package for this position is **\$207,500** exclusive of **Fringe Benefits Tax (FBT)**

<b>Cash</b>	<b>\$183,087</b>
<b>Housing</b>	<b>\$4,420</b>
<b>Vehicle</b>	<b>\$2,600</b>
<b>Superannuation (9.5%)</b>	<b>\$17,393</b>
<b>TOTAL REMUNERATION</b>	<b>\$207,500</b>

# SCHEDULE C

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## REMUNERATION

**NOTE: This Schedule may be varied during the term of this contract in accordance with clauses 8 and 9 of this contract.**

This Schedule operates on and from 12 July 2015.

**The Annual Total Remuneration Package (exclusive of Fringe Benefits Tax (FBT)) is as follows:**

**\$207,500**

**The Annual Total Remuneration Package is comprised of:**

Total Remuneration is made up as follows –	
Base Salary	\$183,087
Add Superannuation Guarantee (9.5%)	\$17,393
Add Rent – 50% subsidised	\$4,420
Add Car (Private Use) – 50% subsidised	\$2,600
<b>ANNUAL REMUNERATION</b>	<b>\$207,500</b>

The employee agrees and acknowledges that deductions under subclause 8.2 of this contract are made principally for the benefit of the employee and that Council relies on that statement in providing the non-cash benefits requested by the employee.

In the case of an employee who is a member of a defined benefit division of the Local Government Superannuation Scheme (or equivalent) compulsory employer superannuation contributions are the long term or "notional" employer contribution, as advised by the Actuary for the Local Government Superannuation Scheme from time to time.

The employee's superable salary will be the amount of the base salary.

Signed by  
Council

\_\_\_\_\_

Signed by the  
Employee

\_\_\_\_\_



Cobar Memorial Services  
& Bowling Club Ltd  
ABN 27 000 869 821

11 November 2014

Cobar Shire Council  
via Email

Attention: Gary Woodman & Lilliane Brady

Dear Gary & Lilliane

**re: Lease 3349663 Y – Folio Identifiers 2/214174 and 3/214174  
Lots 2 and 3 DP 827719 - Encumbrance M884930  
Lease Period 01/11/1996 to 31/10/2021 With Option to Renew for 25 years**

Further to our meeting held on 29 October 2014, it is requested that the Councillors again look into the above contract which we believe to be unfair.

We have attached a copy of this letter for your reference. It has since been brought to our attention that Pud Burgess was not a Councillor at the time of signing, however, we have confirmation that he was involved directly in the time just prior when he was a Councillor.

We hope that the Councillors will look upon this matter with a favourable view as currently this lease, apart from having no "commercial reality" is preventing the Club from land development. It is also negatively impacting upon the valuation of the property, which then directly impacts our ability to procure loan funds if required.

Your assistance and understanding in this matter is appreciated.

Yours sincerely

**LINDA CARTER**

Secretary/Manager

On behalf of the Board of the Cobar Memorial Services & Bowling Club Ltd

2 Marshall Street  
PO Box 91  
COBAR NSW 2835

Phone: 02 6836 2102  
Fax: 02 6836 1362  
Email: [cobarrsl@bigpond.com](mailto:cobarrsl@bigpond.com)





Cobar Memorial Services  
& Bowling Club Ltd  
ABN 27 000 869 821

**COPY**

16 August 2013

Cobar Shire Council  
via Hand Delivery

Attention: The General Manager & all Councillors

Dear Sirs & Madams

**re: Lease 3349663 Y – Folio Identifiers 2/214174 and 3/214174  
Lots 2 and 3 DP 827719 - Encumbrance M884930  
Lease Period 01/11/1996 to 31/10/2021 With Option to Renew for 25 years**

As you are no doubt all aware, the Board of the Cobar Memorial Services & Bowling Club Ltd (CMSC) and Cobar Shire Council (CSC) signed a lease in 1996 in regards to the land now used as the car park at the southern end of the land owned by the CMSC. This land was originally used as a tennis court and for rock drilling.

In an effort to resolve the financial difficulties of the CMSC, including being released from Administration, the office members have been scrutinising every cost and every contract over the past eighteen months. Although this is arduous and difficult work, we are slowly seeing results and are anticipating to be released from Administration within approximately one month. These results will come at a greater long term cost to the CMSC as interest will need to be paid on the money borrowed to resolve these matters which are suspected to have arisen from mis-management, possibly ignorance, or a combination of both.

Upon reviewing the contract with the CSC, we were astounded to find that the Board in 1996 had signed a contract which gives the CSC full and exclusive use of the land held by the CMSC for a period of potentially 50 years for the price of \$275. For your reference, this averages to \$5.50 per year or \$0.015 cents per day. The CMSC has been paid \$25 so far. To add further to our consternation we then find that the CMSC has agreed to also pay the rates for the entire lease period.

As this contract is obviously not within the "best interests" of the CMSC, we have been seeking legal advice regarding the validity and fairness of this contract. Apart from the fact that there is no commercial reality or common sense to it, we have been advised that the following anomalies are of great concern:-

1. The Contract was written and created by the Cobar Shire Council which is highly unusual (and possibly questionable) in this circumstance.
2. The lease was signed and dealt with in the period of the Deputy Mayor of the day was also the owner of the supermarket who needed the additional car park spaces for his customers and for his delivery trucks. This is certainly a conflict of interest. This conflict is further evidenced by the initial personal contribution made towards capital works of \$30,000 with an ongoing commitment to assistance with maintenance.
3. The lease restricts any future venture the Club may wish to engage in.
4. The contract prices have no commercial reality or viability (as stated above).
5. The contract is for 25 years (end 31/10/2021) at \$1 per year and then for a further 25 year option at \$10 per year which will expire in 2046.
6. In a "normal" commercial lease all outgoings are paid by the lessee not the lessor.

2 Marshall Street  
PO Box 91  
COBAR NSW 2835

Phone: 02 6836 2102  
Fax: 02 6836 1362  
Email: cobarrsl@bigpond.com



Cobar Memorial Services  
& Bowling Club Ltd  
ABN 27 000 869 821

**COPY**

*Letter to the Cobar Shire Council General Manager & Councillors....continued..page 2*

Our initial legal advice has been to give the Council the opportunity to review the original contract, conditions and parties surrounding it and to then reconsider the position from the vantage point of an "unfair" contract with "no commercial reality". The contract is unfair on every level including the price, to all benefits being received purely by the CSC (employees parking) and for IGA (customer parking and freight delivery access). You will agree, there is no benefit whatsoever to the Club, it is actually an ongoing expense with outgoings (rates). Apart from actual costs paid, there is the ongoing opportunity cost to the Club as it is unable to act in a manner which is in the best interests of its Members in relation to this parcel of land.

A meeting has already been had with your General Manager; however, the Club's concerns do not appear to have been received with any serious intent.

We ask the Council to consider the position the Club has been put in by an uninformed and "unbusinesslike" Board at the time, as well as the financial position in which this has placed the Club, along with restriction of our use of the land, now and for future use.

We request that the CSC consider restitution for rates paid for the full period of the lease and compensation for commercial loss of rental income. We request that land be viewed from a the standard commercial perspective. We also request that the CSC provide evidence to the CMSC of Public Liability insurance for the amount of \$5 million encompassing this parcel of land for the period of the lease.

We would like Council to consider this request fully at their next committee meeting. Members of the Board are willing to attend this meeting if appropriate.

We are hoping to reach a settlement on this issue to save both parties the cost and angst which legal action would entail.

Your assistance and understanding in this matter is appreciated.

Yours sincerely

LINDA CARTER

Secretary/Manager

On behalf of the Board of the Cobar Memorial Services & Bowling Club Ltd

2 Marshall Street  
PO Box 91  
COBAR NSW 2835

Phone: 02 6836 2102  
Fax: 02 6836 1362  
Email: [cobarrsl@bigpond.com](mailto:cobarrsl@bigpond.com)

U6-2

81130

All communications to be addressed  
to the General Manager  
PO Box 223  
Cobar NSW 2835

Telephone: (02) 6836 5888  
Facsimile: (02) 6836 5889  
Email: mail@cobar.nsw.gov.au  
Website: www.cobar.nsw.gov.au  
In your reply please quote:



Cobar Shire Council Offices:  
36 Linsley Street  
Cobar NSW 2835  
ABN 71 579 717 155

*"Regional Centre in Western NSW"*

Ref L6-2  
PG:rg

29 November 2013

Ms Linda Carter  
Secretary Manager  
Cobar Memorial Services and Bowling Club  
PO Box 91  
COBAR NSW 2835

Dear Linda

**Re: Cobar Shire Council Lease from Cobar Memorial Services and  
Bowling Club Ltd  
Property: Lots 2 & 3 in Deposited Plan 214174**

Cobar Shire Council has considered your request and wish to advise as follows:

The Lease Cobar Memorial Services and Bowling Club Limited (CMSC) entered into with Council in 1996 was on a commercial basis and Council does not propose to revisit any of the terms forming part of the Lease. Council requires CMSC to continue to comply with its obligations under the Lease and rejects any proposal to vary that Lease.

In relation to your assertion that the Deputy Mayor of the day was in fact the owner of the supermarket adjoining the Property, we advise that this is incorrect. Please find enclosed the following documentation for your information:

1. Minutes of Ordinary Meeting dated 11 September 1991;
2. Minutes of the Extraordinary Meeting dated 18 September 1996;
3. Copy of the execution pages of the Lease and Sublease.

The documents show that the Deputy Mayor at that time was Councillor Barry Knight who was elected reelected to the position on 18 September 1996 and was not a signatory on the Lease.

The records also show that in 1991 Councillor Burgess, who was the owner of the adjoining supermarket, had retired.

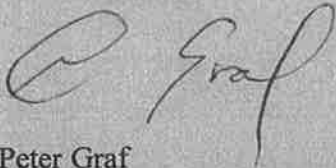


As far as Council is concerned this matter is at an end and Council will remain binding to the existing Lease, however Council will consider concessions in regard to the payment of general rates on the car park land in the 2014/2015 budget deliberation process.

Council General Manager, Mr Gary Woodman, will be contacting you shortly to have discussions to explain the situation that Cobar Shire Council is in.

If I can be of any further assistance please feel free to contact me on (02) 6836 5888.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Graf', written in a cursive style.

Peter Graf

**DIRECTOR OF ENGINEERING SERVICES**



## Introduction

Several recent state-based and national inquiries into Australian local government have demonstrated convincingly that a large number of local authorities in all state jurisdictions find themselves in financially straitened circumstances. Moreover, Dollery *et al.* (2006a) have argued that local infrastructure maintenance and renewal have borne the brunt of this financial distress. This argument derives overwhelming support from the various state-based inquiries. The South Australian Financial Sustainability Review Board Report (2005) *Rising to the Challenge*, the Independent Inquiry into the Financial Sustainability of NSW Local Government ('Allan Report') (2006) *Are Councils Sustainable*, the now defunct Queensland Local Government Association's (LGAQ) (2006) *Size, Shape and Sustainability (SSS)* program, the Western Australian Local Government Association Report (2006) *Systemic Sustainability Study: In Your Hands - Shaping the Future of Local Government in Western Australia* and the Tasmanian Local Government Association Report (2007) *A Review of the Financial Sustainability of Local Government in Tasmania* all concluded that numerous local councils were financially unsustainable and that the burden of this funding crisis had fallen largely on local infrastructure.

Three recent national inquiries into local government finance arrived at the same general conclusions. The Commonwealth Grants Commission Report (CGC) (2001), the Commonwealth House of Representatives Standing Committee on Economics, Finance and Public Administration ('Hawker Report') (2004) *Rates and Taxes: A Fair Share for Responsible Local Government*, and the PriceWaterhouseCoopers Report (PWC) (2006) *National Financial Sustainability Study of Local Government* all found that not only was financial distress widespread in Australian local government, but that an acute local infrastructure backlog had been the main consequence.

While most of these public inquiries were chiefly concerned with the financial sustainability of local government, they also considered various methods of



improving the operational efficiency of local councils. Almost without exception, they have concluded that structural reform through forced amalgamation had not achieved its intended aims (Dollery *et al.* 2007b). By contrast, shared service arrangements were seen as promising in all these documents.

The central lesson that has emerged from the various national and state-based inquiries is that the financial difficulties troubling local councils across the country cannot be solved by structural changes alone. Revenue constraints and cost pressures on local councils are so acute that only additional sources of funding and improved methods of tackling rising expenditure can comprehensively resolve the current financial crisis. A second crucial lesson is that the forced amalgamation of local councils, especially in regional, rural and remote areas, has not improved financial sustainability. A much more promising approach to enhancing the operational efficiency of local councils resides in shared service models. However, the as yet unanswered question is what form should shared service arrangements take? This paper seeks to provide a possible answer to this question by means of a simple model capable of implementation across non-metropolitan Australian local government.

In essence, the two-tier model of local government advanced in this paper represents a generic model of governance and management arrangements that would allow spatially adjoined local councils to harness the benefits that can accrue from resource sharing between relatively small groups of councils while at the same time preserving local democratic autonomy and local representation. It thus seeks to combine the efficiency-enhancing properties of selected resource sharing sought by state government policy makers with local democratic representation that is greatly prized by Australians in country areas.

The paper is divided into five main parts. Section 2 briefly outlines the embryonic literature on alternative Australian models of local government by



way of background to the two-tier model proposed in this article. Section 3 presents a model of local governance that tries to embody the lessons of local government reform in other Australian states by combining regional governance, effective resource sharing and local autonomy. Section 4 considers the problem of the allocation of functions between the regional authorities and local councils in the model. Section 5 examines the human resource question in terms of the model. The chapter ends with some brief conclusions in section 6.

### **Alternative Australian Models of Local Government**

An embryonic but nevertheless growing scholarly literature exists on alternative models of local government tailored to meet Australian circumstances. At the theoretical level, at least two separate efforts aimed at classifying Australian local governance in terms of generic municipal models have been developed. In the first place, the Local Government Association of Queensland (2005, 15) has developed a taxonomy of local government reform that distinguishes between four different conceptual models: 'Merger/amalgamation'; 'significant boundary change' 'resource sharing through service agreements' (i.e. one local authority will undertake specific functions for other councils, like strategic planning and waste management); and 'resource sharing thorough joint enterprise', (i.e. where councils merge their resources in selected services to secure economies of scale economies, such as official record keeping and storing).

Dollery and Johnson (2005) have advanced a second, more detailed seven fold taxonomy of Australian local government. In this typology different models of local government are differentiated along a scale of 'operational control' (or the ability to deliver local services) and 'political control' (or the capacity to decide on local services). In accordance with these criteria, existing small local councils enjoy the greatest operational and political autonomy given their respective state government acts; Ad hoc resource-sharing agreements - consisting of voluntary arrangements between neighbouring councils to share



resources - constitute the next most autonomous category; Regional Organizations of Councils (ROCs) represent a formalization of the ad hoc resource sharing model; area integration models retain autonomous existing councils with their current boundaries, but create a shared administration overseen by a joint board of elected councillors; the virtual local government model involves neighbouring councils with a 'shared service centre' to implement the policies determined by individual member councils; under the agency model all service functions are provided by state government agencies, with elected councils proposing the preferred mix of services for their own jurisdictions; and finally amalgamated councils where adjacent councils are merged into a single municipal entity and thus surrender all political autonomy and operational control to the new entity.

Both the Local Government Association of Queensland (2005) typology and the more finely calibrated Dollery and Johnson (2005) taxonomy represent useful conceptual tools for scholars of Australian local government; they can provide theoretical guidance in evaluating the chief characteristics of new models of Australian local governance. In the present context, the Dollery and Johnson (2005) typology makes political autonomy and operational independence explicit attributes of different models of local governance.

In addition to these two theoretical systems, a small, but growing body of scholarly writings on actual alternative models of Australian attests to the inventiveness and vibrancy of local government in the competitive laboratory of Australian federalism at the local level. This largely empirical literature has been devoted to the analysis of particular models that have actually been implemented in practice or proposed as suitable candidates for implementation by actual councils. The former category embraces work on ROCs (Dollery *et al.* 2005b), the New England Strategic Alliance of Councils (Dollery *et al.* 2005a) and the Walkerville model (Dollery and Byrnes, 2005). Studies on proposed models include ad hoc resource sharing models (Ernst and Young 1993), virtual local governments (Allan 2001; 2003; Dollery 2003), joint board models (Thornton 1995; Shires Association of NSW 2004; Dollery





and Johnson 2007) and the Co-operative Model of the Gilgandra Shire Council (Dollery *et al.* 2006b).

## **A Two-Tier Model of Local Government**

### ***Formal structure of the model***

In essence, the two-tier model of local government is designed for non-metropolitan local councils based on the presumption that one regional administrative structure could serve a number of 'district councils' or local councils that are defined by common economic and geographical and social features. In this way, existing shire council functions could be merged or mixed to achieve sufficient critical mass to establish a skill base necessary to provide the required administrative systems and processes to more effectively manage the assets and services of a number of smaller district communities.

The key to the model is its recognition of the need to function simultaneously at two different levels:

- (i) A local institutional component or 'district council' that serves each district council area and its local communities. District councils would essentially be existing small shire councils that retain their current jurisdictional boundaries.
- (ii) A regional institutional component or 'regional council' that provides for over-arching administrative, professional and technical services to the regional grouping of district councils. This would be provided by a new governmental entity specifically created for this purpose.

The opportunity to pool and, where appropriate, to reallocate resources offers the following potential benefits to local government in non-metropolitan Australian local government jurisdictions:



- A higher level and quality of community services derived from the ability of regional councils to acquire the requisite administrative and technical expertise;
- It would facilitate more effective cross district co-operation;
- This would generate more effective environmental planning as well as improved social and economic outcomes in other areas with a regional focus;
- It would provide broader depth of technical expertise, particularly in those skills presently in chronically short supply in country councils; and
- By allowing for selected shared services and resource sharing initiatives it would lead to at least some cost savings and thus improved financial outcomes for member local councils.

A critical advantage of this new two-tier model of local government resides in the fact that it is perfectly compatible with existing Local Government Acts in state local government jurisdictions. For example, in the amended Queensland *Local Government Act 1993*, New Section 159S of the *Local Government Act 1993* (as amended) outlines the functions of the Local Government Reform Commission and, in particular, its power under Section 159S (1) (b) (iii) to make recommendations to the Minister for 'any class of local government area that there should be in addition to the classes of city, town and shire, and the criteria that should apply for declaring a local government to be of that class'. As we have seen, the model presented in this paper provides for the establishment two new classes of local government: 'District councils' and 'regional councils' differentiated on the basis of population and functional roles.

How does this model fit into the broader structure of Australian local government as a whole? It is suggested that Australian state Departments of Local Government delineate non-metropolitan local government into four main categories based on population size: Cities, towns/shires, regional councils; and district councils. Only cities and towns/shires would need to reach some



minimum population threshold. This quadrilateral structure would be based on the following (approximate) population criteria:

- Cities – a population of more than 30,000;
- Towns/Shires – a population of more than 15,000;
- Regional Councils – a population of less than 15,000; and
- District Councils – a population of less than 12,000.

### ***Political structure of the model***

In accordance with the fundamental democratic principle that local government should rest on the legitimacy provided by elected representation, all four governmental structures would operate under democratically elected representatives. In terms of the application of the democratic principle to district councils and regional councils, it is suggested that a half election of councillors be held for both district and regional councillors every two years. The rationale underlying this suggestion is that a rolling four year term for elected representatives would see a greater emphasis placed on key strategic areas and sustainability elements of contemporary local government. It would also provide for the retention of 'institutional memory' amongst elected representatives. Moreover, new councillors would bring fresh perspectives and at the same time benefit from the knowledge gained by councillors already at least two years into their period of office.

At a more detailed level, political representation could take the following generic form:

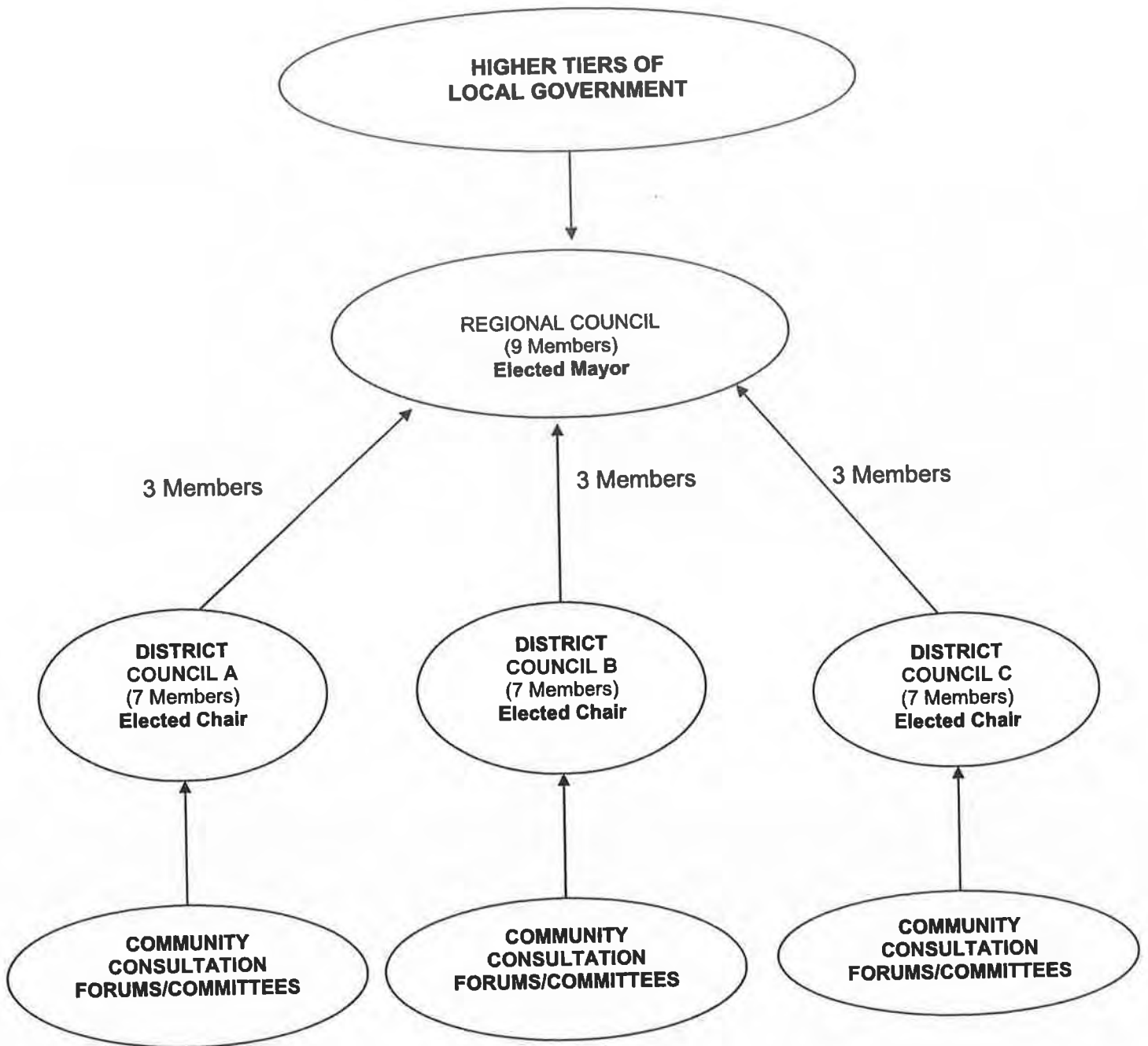
District councils would be based on the spatial boundaries of existing small shires and have a maximum of seven councillors each elected by these local communities from an undivided area. In addition, one of the seven elected councillors would be elected chairperson by the seven elected councillors. A by-election would be required to fill any vacancies that might arise for district councillors.



Regional councils would be based on the grouping of a number of adjoining small district councils having like 'communities of interest' that enabled the social fabric and character of those communities to be maintained. Three regional councillors would be elected by the councillors of each district council to serve in the regional council for the full four-year term. A regional Mayor (and Deputy Mayors as required) would be elected by the regional councillors on an annual basis. District council groupings under a regional council should include at least three existing local councils, but preferably no more than five district councils. Any vacancy for a regional councillor would be filled by an election at the district council level.

In addition to these formal political structures, where large distances and spatially isolated small communities exist within local council boundaries, 'community consultative forums' could be formed. Community consultation forums could be established by each district council creating an appropriate number of these fora which meet at least three times each year (in the district council Management Planning process, following the adoption of the Management Plan and prior to the commencement of each Management Planning cycle to review the actions of the previous plan).

Figure 1 illustrates the formal and political structure of the two-tier model of local government:



**Figure 1: Structure of Two-Tier Model of Local Government**



## **Allocation of Functional Activities in the Model**

### ***General principles***

There are a range of functions that can be performed either in common or collectively at a 'regional' or 'district' level and each regional council would be responsible for determining and allocating functional activities according to local circumstances. As we shall see, on the basis of existing (but limited) empirical evidence, most of these are 'back-office' functions and thus would have little direct relevance to the primary political and policy functions of regional councils and district councils and to the services physically provided at either level. For example, the following allocation of functions could be made between regional and district councils respectively.

#### **Regional functions:**

- Strategic/corporate governance and planning;
- Service delivery standards;
- Regional economic, environmental, and social planning;
- Corporate financial planning;
- The establishment of partnerships with higher levels of government and the private sector;
- Human resources recruitment and retention; and
- Review of strategic outcomes.

#### **District functions:**

- District Management Planning and Operations;
- Local service delivery;
- Local community representation and advocacy;
- Customer action requests; and
- Review of operational outcomes.

### ***Empirical evidence***

The actual allocation of functions between regional councils and district councils would depend on a number of local factors, not least the physical



distances between district councils and the regional council, transport networks and numerous other local conditions. However, the general nature allocation decisions can at least be informed by available Australian evidence on shared services in local government. Fortunately work on this question has been examined by Dollery and Akimov (2007a), Dollery and Akimov (2007b) and Dollery *et al.* (2007a).

Relevant Australian empirical studies on shared services provide at least some clues on which services could be undertaken by regional councils. For instance, Lawson (2007) analysed the responses of 34 South Australian local councils in relation to their participation in joint local service delivery arrangements. The responses indicated the six most common areas for resource sharing arrangements between local councils. These were (i) waste management; (ii) environmental health/development assessment and town planning; (iii) shared use and purchase of physical assets; (iv) back-office operations; (v) access to IT services; and (vi) governance, compliance and audit services.

A second survey of local councils in Western Australia was conducted by Burow Jorgensen and Associates (BJA) (2006). Fifty five out of 142 councils responded to their survey, including those in rural and metropolitan WA. Ninety two per cent of respondent councils indicated that they have had experience with resource sharing. Notably high rates of participation in resource sharing were observed in regional, and especially remote, areas. The most commonly shared services included: (i) waste disposal/collection and recycling; (ii) road works; (iii) shared equipment; (iv) IT services; (v) human resources; (vi) health and planning; (vii) shared library facilities and (viii) bush land management.

A third similar survey was conducted in the NSW by Byrnes (2005). Eight services suitable for shared delivery were identified. They included: (i) fire protection; (ii) emergency services; (iii) health administration and planning; (iv) noxious plants; (v) museums; (vi) water and wastewater; (vii) tourism and



regional promotion; and (viii) sale yards and markets. In addition, Byrnes (2005) listed seven areas that respondents believed were better offered exclusively 'in-house' by local councils themselves. These included: (i) public cemeteries; (ii) public conveniences; (iii) public halls; (iv) swimming pools; (v) sporting grounds; (vi) parks and gardens; and (vii) real estate development.

In addition, four Australian studies have provided tangible examples of the successful implementation of resource sharing arrangements between local councils, with specific reference to the savings and other benefits that resulted from these initiatives. For example, Dollery and Byrnes (2005) examined the case of the Walkerville Council in the South Australia and its experience with shared service delivery involving neighbouring municipalities. The Council entered into nine agreements with various councils to jointly deliver the following services: (i) waste collection and recovery; (ii) home care; (iii) crime prevention; (iv) library facilities; (v) environmental protection and health; and (vi) joint inspection services. All agreements proved to be beneficial for the Council either in terms of cost savings or improvement in the range and quality of services.

A second study by Dollery *et al.* (2005a) examined the Strategic Alliance Model implemented by the Armidale Dumaresq, Guyra, Uralla and Walcha councils. This paper provided an outline of both projected savings targets and the areas in which these savings are expected to be realised. These areas included: joint plant utilization, GIS services, IT, finance, human resources, payroll, records, supplies and stores. However, this paper only presents estimated savings in various areas and not actual realised savings.

LGAQ (2005) *Size, Shape and Sustainability of Queensland Local Government* Discussion Paper cited an example of another successful strategic alliance of three NSW rural councils – Wellington, Blayney and Cabonne. The authors argued that the councils had achieved \$720,000 in savings during first ten months of cooperation. The major areas in which savings were recorded were records storage, road maintenance





administration, OHS and Risk Management training, plant purchases, staff secondment, promotion and tourism, and printing and stationery.

A final case study of resource sharing arrangement in Australian local government was conducted by Dollery *et al.* (2005b) into the thirteen-council Riverina Eastern Regional Organisation of Councils (REROC) in southern NSW. REROC has implemented resource sharing since 1998. It was able to achieve savings of \$4.5 million over five and half years 1998 to 2003. Areas in which resource sharing was the most beneficial included: (i) waste management; (ii) joint purchases and tenders; (iii) IT; (iv) administration and compliance; and (v) lobbying activity.

The final study in this synoptic review of the relevant Australian empirical literature is the *Shared Services: Queensland Local Government* report prepared by KMMC (2005) for the LGAQ. This paper argued strongly in favour of the shared provision of services by local governments and based its opinions on theoretical arguments and a review of various research reports. However, it failed to draw the crucial distinction between shared service models in local government per se and all levels of government and thus included a large number of irrelevant references and a distinct lack of specific empirical examples of the benefits of shared service arrangements in local councils (Dollery and Akimov 2007a).

A summary of the relevant Australian empirical evidence is presented in Table 1.



**Table 1: Australian Empirical Evidence on Shared Local Service Arrangements**

Publication	Basis for argument	Sample	Key Findings
<b>Australia</b>			
Lawson (2007)	Survey	34 SA local councils	Identified six service areas with the greatest resource sharing opportunities, as well as some impediments to implementation of shared services.
Burow Jorgensen and Associates (2006)	Survey	55 WA local councils	92% of councils were engaged in resource sharing in various areas, including waste collection, recycling and disposal, HR, IT , road works, library facility, etc.
Byrnes (2005)	Survey	19 NSW metropolitan and regional councils	Identified eight services most suitable for resource sharing and seven services that should be provided locally.
Dollery and Byrnes (2005)	Case study	Walkerville Council, SA	Listed nine regional co-operative agreements Walkerville had entered into and provided estimates of benefits.
Dollery <i>et al.</i> (2005a)	Case study	Armidale Dumaresq, Uralla, Guyra and Walcha Strategic Alliance, NSW	Strategic Alliance of the Councils brought substantial benefits/savings through collaboration in the number of areas. The beneficiary areas are listed.
KMMC (2005)	Literature review	Not applicable	Identified six services most able to be successfully delivered through regional services units and three services most suited to delivery on a shared regional basis
Local Government Association of Queensland (2005)	Case study	Wellington, Blayney and Cabonne Strategic Alliance, NSW	The Alliance achieved \$720,000 savings in first ten month of operation through co-operative arrangements, joint purchases and staff and resource sharing.
Dollery <i>et al.</i> (2004)	Case study	Riverina Eastern Regional Organisation of Councils (REROC), NSW	REROC achieved savings of \$4.5million through reduced duplication, joint tendering, regional lobbying and co-operative sharing of resources.

## Human Resource Issues

It must be acknowledged that the implementation of the two-tier model proposed in this paper will undoubtedly result in the displacement of local council employees. However, any staff made surplus from the restaffing of



some functions could be effectively applied to introducing new systems for asset management and administration, long-term environmental planning, the development of strategic plans, and other important tasks. In any event, the net loss of employment need not be great. Moreover, through time natural attrition would allow for staff reductions, and in the shorter term there would be more than enough work for any spare staff, particularly those with middle to higher level management or technical skills.

The determination of human resources recruitment and retention at a regional level would allow the establishment of specialist technical/professional units that could be based at specific locations within the regional area, but utilised across the region to service the entire whole region and the local councils within the region. Where economies of scale made redeployment appropriate, the specific details of such redeployment could be determined at a regional management level in order to preserve employment opportunities at individual district councils at pre-regionalisation numbers.

Day-to-day operations would be overseen by a Regional Chief Executive Officer (CEO) who would require appropriate formal qualifications and extensive local government experience. District Managers would manage district operations under the supervision of the Regional CEO. Together they would form a multi-disciplinary Management Executive to run the administrative and operational activities of the regional council and district councils respectively.

Apart from synchronizing the functions and resources of the regional council and district councils, the new management structure would serve to re-introduce appropriate career paths back into local government. Thus able and ambitious managers could move through a managerial hierarchy from a senior manager in a district council, to District Manager, Regional CEO and then possibly to larger towns and cities. A career progression along these lines might also address the problem of skilled staff shortages in local government,



which is especially acute in rapidly growing non-metropolitan areas of the country.

### **Concluding Remarks**

As the various national and state-based inquiries have conclusively demonstrated, in all Australian local government jurisdictions a large number of local councils are under severe financial distress. The funding crisis in these local councils has been mostly manifested in chronic under-investment in infrastructure, with a widespread local infrastructure backlog now obvious. Some of these state systems have undergone extensive amalgamation in the recent past, most notably Victoria, South Australia and New South Wales, but widespread problems of financial unsustainability nonetheless remain amongst their local councils. This indicates that a lack of adequate funding, defects in the local government funding process and expenditure pressures largely outside the control of local councils represent the main source of the financial crisis. The principal problem is thus one of funding rather than structure.

However, this does not imply that structural change cannot improve the effectiveness and operational efficiency of local councils. However, it does demonstrate that amalgamation is not a 'silver bullet' that can cure all the ills afflicting local councils. Moreover, the bleak experience with amalgamation in other states, especially its social divisiveness and conflictual nature, together with its damaging economic effects on small local communities, does not offer a solution to the problems in contemporary local government.

The two-tier model proposed in this paper is designed to capture the gains that can accrue from the regional provision of selected local government functions while at the same time preserving local democracy and local communities. In this way, the crucial 'place-shaping' role of local councils empowered with local knowledge on local circumstances and local



preferences is maintained; a essential aspect of local governance stressed in the recent Lyons Report into British local government (Lyons 2007).

The two-tier model advanced here is a hybrid of several alternative theoretical models of local government in the Australian literature on the topic. For instance, within the Dollery and Johnson (2005) typology it embraces elements of ROCs and area integration models by combining a degree of local operational control and local democratic autonomy with the possibility of resource sharing. Under the Local Government Association of Queensland (2005) taxonomy of avenues for local government structural reform, the model allows for both 'resource sharing through service agreements' and 'resource sharing thorough joint enterprise'. Moreover, it does not rule out voluntary boundary change.

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**Kym Miller**

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**Subject:** FW: To Gary Woodman re Cobar Hospital

**From:** Deon Heyns [<mailto:bredocor@gmail.com>]

**Sent:** Sunday, 9 November 2014 5:25 PM

**To:** mail CSC

**Subject:** To Gary Woodman re Cobar Hospital

Garry, I would first like to thank you for the role you are playing in trying to get us a new hospital, it is greatly appreciated.

I have decided to do up our old hospital in the mean time, as we will have to use this for the next four years or longer, even if Cobar gets a new hospital. I call this programme "CHAMP" (Cobar Hospital Appearance Management Project)

I am raising money and the community has been very generous both financially and volunteering their time. We are not making any structural changes, but we will paint the hospital, put new kitchens in and make the interior look nice again.

I was wondering if the shire could help with the driveway and parking area around the hospital. I will get volunteers to sweep this area clean, but there are a few bad patches and holes in the bitumen that needs filling and fixing. I would appreciate if you could consider doing this or if there are funds to redo the driveway and parking area that would be magnificent. I also want to repaint the lines demarcating the parking spaces and paint the curb along the driveway and I know you need special paint for this. I also want to make 4 extra staff parking spots near the main entrance.

If you could contribute with this or in any other way I would greatly appreciate this. Please let me know by e-mail: [bredocor@gmail.com](mailto:bredocor@gmail.com) or on my mobile 0429392994.

Thanks for considering this.

Dr Deon Heyns

## ACTION PLAN

The Action Plan is to be completed and adopted by the Council to guide the implementation and monitoring of the recommendations in this report. The reviewers have allocated notional priority rankings using the risk rating analysis on the previous page. The Council is encouraged to review and revise these, if necessary.

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
1. Following the adoption of its revised Code of Conduct, the Council is encouraged to provide councillors and staff with information highlighting the provisions which have changed.	High	Information session conducted for Councillors on the Code of Conduct.	March 2014	General Manager	Complete. Staff receive training at Induction on the Code of Conduct including provision of a Guideline. Councillors received training at induction and at time of adoption of new Code.
2. As planned, the Council prepare and adopt a Gifts and Benefits policy.	Medium	Development and adoption of a Gifts and Benefits Policy.	March 2015	General Manager	Currently yearly information instruction on gifts and benefits is provided to staff together with information at annual staff induction and corporate induction. Policy being formulated.

Promoting Better Practice Review Report – Cobar Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
3. Further training and/or assistance should be provided to assist in the completion of disclosure of interests returns and ensure that accurate information is recorded by designated persons.	Medium	Training Session conducted for completion of the next Designated Persons Return and following the next election.	September 2014	General Manager	Complete. Training undertaken at time of distribution of documentation for the 2013/2014 return.
4. The Council is encouraged to create an Enterprise Risk Management system as intended.	Low	Development of an Enterprise Risk Management system	June 2015	Human Resources Officer	Risk Management Policy adopted by Council. Enterprise Risk Management risk factors to draft stage. Enterprise Risk Register complete with Action List on very high risk items developed. Action Plan to be developed to reduce very high risk items.
5. To ensure that the Council is well-placed to manage the impact of adverse and unplanned events on its operations, it should develop a business continuity plan.	High	Development of a Business Continuity Plan	June 2015	Director of Corporate and Community Services	Quotes being obtained for development of a Business Continuity Plan. Examples of other plans obtained. Project team to redevelop a Cobar Shire Council document.

Promoting Better Practice Review Report – Cobarr Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
6. The Council is encouraged to take steps to improve document control in relation to the documents in its policy register.	Medium	Finalisation of Policy Register with Version Control	June 2014	General Manager	Complete. Current policies all available on Council's Website. Policy register renewed and relevant Council Officer accountable.
7. Each Council committee should be provided with either a constitution or charter setting out its membership and functions, and documented procedures/operations manuals.	Medium	Development of Council Committee Procedures/ Operational Manual that details for each respective Committee a Charter (Terms of Reference), membership and functions	June 2016	Manex	Terms of Reference developed for the Economic Taskforce and Cemeterly Committee. Still to be developed for the Tourism Advisory Committee and user groups.
8. The Council's practices and procedures for handling complaints should be formalised in a policy. This should include provisions for regular reports for consideration by the executive management team and elected body.	Low	Redevelopment of Complaints Management Policy to include provision for statistical reporting	June 2016	Director of Corporate and Community Services	Complaints Management Policy adopted by Council 26 February 2009. Electronic complaints system to be developed.

Promoting Better Practice Review Report – Cobbar Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
9. Ensure the Community Engagement Strategy includes strategies for engagement around community priorities and expected levels of service.	Medium	Renewal of Asset Management Plans to involve community engagement concerning levels of service	June 2016	Special Projects Officer in conjunction with Asset Managers	Renewed Asset Management Plans will be undertaken with community engagement for levels of service that are affordable.
10. Community engagement processes (particularly when suggesting or testing the case for a Special Rate Variation) should be informed by information contained in the Long-Term Financial Plan.	Medium	Requested work undertaken during community engagement process	N/A	Special Projects Officer	Complete, SRV approval by IPART.
11. The Council is encouraged to use the road hierarchy (asset management plans) to establish, as part of the community engagement process, an affordable level of services.	Medium	Re-development and adoption of Transport Asset Management Plan	N/A	Works Manager	Complete, Transport Asset Management Plan adopted in February 2013
12. The Council should ensure that there are clear links between the Delivery Program and the Resourcing Strategy.	Medium	-	N/A	Special Projects Officer	Complete, Delivery Program and Resource Strategy amended and re-adopted in February 2013 (LTFP) as part of SRV Application.

Promoting Better Practice Review Report – Cobarr Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
13. The Council is encouraged to have a schedule (including dates) to update its Long-Term Financial Plan at least annually, with specific milestones established and a reporting framework to the Council to ensure its progress.	High	LTFP to be updated annually as part of budget development process	March 2014	Director of Corporate and Community Services	<b>Complete.</b> LTFP is part of the AOP template and updated annually.
14. In its next review of its Long-Term Financial Plan, the Council is encouraged to include Key Performance Indicators, Sensitivity Analysis, Balance Sheets and Cash Flow Statements as required.	High	Indicators, sensitivity analysis, balance sheets and cash flow statements to be included in LTFP as part of budget development process	March 2014	Director of Corporate and Community Services	<b>Complete.</b> Cash flow, balance sheet items included in LTFP. Quarterly reviews include KPIs.
15. As part of the ongoing review of its asset management plans, the Council is encouraged to continue to determine affordable asset maintenance requirements and asset replacements.	Medium	Re-develop Asset Management Plans to include major asset replacement projects	June 2016	Asset Managers	<b>Complete.</b> Asset Management Plans do include provision for affordable major items in 4-5 yearly rolling works programs.

Promoting Better Practice Review Report – Cobarr Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
16. The Council's Workforce Management Plan should be better linked to the activities set out in the Delivery Program and Operational Plan.	Low	-	N/A	Human Resources Officer	<b>Complete, June 2013</b> Workforce Plan now linked to activities set in the Delivery Plan and Annual Operational Plan.
17. The Council needs to ensure its long-term financial plan identifies required and affordable expenditure, including strategies on how it will be financed.	High	As they are identified they will be incorporated during budget development	March 2014	Director of Corporate and Community Services	<b>Complete. Required</b> expenditure needs for major projects are identified in asset management plans, contributions plans and community enhancement program.
18. The Council is required to prepare future Quarterly Budget Review Statements in line with the Division of Local Government's minimum Quarterly Budget Review Guidelines.	High	Redevelopment of Quarterly Budget Review Documents in accordance with DLG Guidelines	September 2014	Director of Corporate and Community Services	The Chart of Accounts is partly restructured to incorporate these requirements. Q1 2014/2015 budget review will on balance comply.

Promoting Better Practice Review Report – Cobarr Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
19. The Council is required to update its Investment Policy in line with the Division of Local Government's Investment Policy Guidelines 2010. The Council should review its Investment Policy assuring that only investments allowed under latest Ministerial Investment Order are authorised.	Low	Update of Investment Policy to ensure compliance with the latest Ministerial Investment Order	June 2014	Director of Corporate and Community Services	<b>Complete.</b> Current investments are in accordance with the latest Ministerial Investment Order and Policy Guidelines. Investment policy updated.
20. It is recommended that the Council prepare and adopt a borrowing policy.	Medium	Develop and adopt a Borrowing Policy	June 2015	Director of Corporate and Community Services	
21. A review of the Council's financial systems be undertaken to provide assurances that they adequately provide for the Council's needs.	Medium	Implementation of IT Strategic Plan Action Plan	June 2015	Director of Corporate and Community Services	Action Plan implemented and ongoing monitoring being undertaken by MANEX.
22. Councillors should be provided with clear and relevant information to allow them to undertake management of the Council's financial affairs at a strategic rather than operational level.	Low	Undertake training on the financial role and responsibilities of Councillors	February 2014	General Manager	<b>Complete.</b> Training undertaken.



Promoting Better Practice Review Report – Cobar Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
23. The Council is encouraged to develop and implement specific succession planning strategies to address issues related to its ageing workforce.	Low	Development and implementation of a Staff Attraction and Retention Policy	June 2015	Human Resources Officer	Outline developed with a well being program partially implemented.
24. The Council is encouraged to consider using employee surveys on a regular basis to identify workplace issues and for assistance in developing the Workforce Management Strategy.	Low	Continuation of Bi-ennial Staff Surveys	October 2015	Human Resources Officer	Staff Surveys completed 2009, 2011 and 2013.  Staff Attitude Survey Results Action Plan developed and implemented. Survey for 2015 planned.
25. The Council should ensure the Consultative Committee meets on a regular basis in line with the Committee's Constitution and the NSW Local Government (State) Award.	Medium	Ensure appropriate reports and matters are arranged for Consultative Committee Agenda	June 2014	Consultative Committee Chair, Secretary, Human Resources Manager and General Manager	<b>Complete.</b> Consultative Committee meeting regularly when agenda items are available.

Promoting Better Practice Review Report – Cobar Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
<p>a. The Council, in updating its Equal Employment Opportunity Management Plan, should consider the National Framework for Women in Local Government and include strategies for people with disabilities and people from minor groups.</p> <p>b. Information about the Council's Equal Employment Opportunity strategies and outcomes should be included in its annual reports.</p>	Medium	<p>Renewal and adoption of EEO Management Plan</p> <p>Inclusion of further information on EEO strategies and outcomes in Annual Report</p>	<p>June 2014</p> <p>October 2014</p>	<p>Human Resources Officer</p> <p>Human Resources Officer</p>	<p><b>Complete.</b> EEO Policy adopted by Council at the December 2013.</p> <p><b>Complete.</b> Renewed EEO Management Plan to draft stage. 2013/2014 Annual Report includes EEO outcomes.</p>
<p>As part of its review of staff training costs, the Council should be mindful that its Training Plan and budget remain in accordance with the NSW Local Government (State) Award.</p>	Medium	<p>Consideration of full costs of Corporate Training Plan in budget deliberation</p>	March 2014	Human Resources Officer	<p><b>Complete.</b> Yearly Corporate Training Plan developed.</p>
<p>The Council should consider developing a Development Control Plan to support its Local Environmental Plan and development application assessment processes.</p>	Low	<p>Development and adoption of Development Control Plan</p>	June 2016	Director of Planning and Environmental Services	

Promoting Better Practice Review Report – Cobarr Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
29. The Council is strongly encouraged to consider formalising and documenting its development application lodgement and assessment processes.	Medium	Review and expand Council's Development Application Procedures Manual.	June 2016	Director of Planning and Environmental Services	Development Application Procedures Manual finalised. A guide to assist external customers is being developed.
30. The Council is encouraged to provide information to councillors on its section 94 contributions on a quarterly basis via its Quarterly Budget Review Statement reports.	Low	Reporting of Section 94 Contributions Register	March 2014	Director of Corporate and Community Services	<b>Complete.</b> Section 94 Contributions Register has been verified and updated and reported to Council quarterly.

Promoting Better Practice Review Report – Cobar Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
<p>That the Council, in the next revision of its Delivery Program and Resourcing Strategy, consider the inclusion of (and risks associated with not including):</p> <ul style="list-style-type: none"> <li>• a proactive program for monitoring compliance with environmental requirements which it has the responsibility for regulating</li> <li>• an enforcement and prosecution policy</li> <li>• an orders policy under section 159 of the Local Government Act</li> <li>• a system for reporting and investigating reports of non-compliance or unauthorised development.</li> </ul>	<p>Low</p>	<p>Develop and adopt a Compliance and Enforcement Policy</p>	<p>June 2016</p>	<p>Director of Planning and Environmental Services</p>	<p>The enforcement and prosecution policy is completed.</p>
<p>The Council is encouraged to proceed with its decision to develop and implement a compliance program for operations it is required to monitor under public health legislation.</p>	<p>Low</p>	<p>Development of a Compliance Register that includes public health legislation</p>	<p>June 2016</p>	<p>Manex</p>	

Promoting Better Practice Review Report – Cobarr Shire Council

RECOMMENDATION	PRIORITY	ACTION PROPOSED	TIMEFRAME	RESPONSIBILITY	PROGRESS REPORT
33. In the next revision of its Delivery Program and Resourcing Strategy the Council should consider the inclusion of (and risks associated with not including) an on-site sewage management strategy.	Medium	Development of an On-site Sewage Management Strategy.	June 2016	Director of Planning and Environmental Services	
34. The Council is encouraged to pursue its intention to develop a waste management strategy.	Low	Development and adoption of Waste Management Strategy	March 2015	Director of Planning and Environmental Services	

**Minutes of the OROC Board Meeting**  
held at  
Dubbo City Council  
Central Conference Room  
On Friday 21<sup>st</sup> November 2014  
at 10.50 am

**1. Meeting Open and apologies**

The meeting was opened at 10.50 am by OROC Chair Clr Bill McAnally.

**Present:** Gary Woodman, General Manager, Cobar Shire; Ross Earl, General Manager Bourke Shire; Steve Loane, General Manager Warrumbungle Shire; Dan Simmons, General Manager Brewarrina Shire; Don Ramsland, Walgett Shire; Clr David Lane, Mayor Walgett Shire; Derek Francis, General Manager Bogan Shire; Clr Ray Donald, Mayor Bogan Shire; Clr Doug Batten, Mayor Gilgandra Shire; Neil Alchin, Director Community Services Gilgandra Shire; Clr Bill McAnally, Mayor Narromine Shire; Greg Lamont General Manager, Narromine Shire; Clr Mathew Dickerson, Mayor Dubbo City; Mark Riley, Dubbo City; Ashley Wielinga, Warren Shire; Ross Earl, General Manager Bourke Shire; Clr Andrew Lewis, Mayor Bourke Shire; Clr Al Karanouh, Mayor Coonamble Shire; Rick Warren, Coonamble Shire; and Belinda Barlow OROC Executive Officer.

**Apologies:** Clr Lilliane Brady, Mayor Cobar Shire; Clr Peter Shinton, Mayor Warrumbungle Shire; Clr Rex Wilson, Mayor Warren Shire Council; Clr Angelo Pippas, Brewarrina Shire; Clr Ray Donald, Mayor Bogan Shire; Paul Mann, General Manager Gilgandra Shire; Clr Rod Buhr, Mayor Wellington Council; Clr Dave Grant, Deputy Mayor Wellington Council; Michael Tolhurst, General Manager, Wellington Council and Karen Roberts, Director Corporate Services Wellington Council.

**Motion:** *That the apologies be accepted by the OROC Board.*

*Moved: Mark Riley*

*Seconded: Steve Loane*

**CARRIED**

**2.1 Far West Academy of Sport – Executive Officer, Chris Riches**

Chris Riches offered to the OROC Board an update of the various programs that are currently being run by Far West Academy of Sport.

**2.2 Primary Health Network – CEO Western NSW Medicare Local Jenny Beange**

The CEO Western NSW Medicare Local Jenny Beange provided an update of the process of 6 Medicare Local Networks regions to partner to become the Western Primary Health Network (open tender process is expected to be underway in December 2014). Medicare Locals are to be wound up by the Federal Government and Primary Health Networks (PHN) are to be established by July 2015.

The Western Primary Health Network region will cover up to 70% of the state.

Different from Medicare Locals, PHNs will not be providers of health services. Instead, they will be regional purchasers of health services, and providers only in exceptional circumstances, with the flexibility to stimulate innovative public and private health care solutions to improve frontline services and better integrate health service sectors.

Chris and Jenny left the meeting.

### 3. Minutes of previous OROC Board Meetings

**Motion:** *That the Minutes of the OROC meeting held in Dubbo on Friday 24<sup>th</sup> September 2014 be accepted as a true and accurate record of that meeting.*

**Motion:** *That the Minutes of the OROC meeting held in Dubbo on Friday 15<sup>th</sup> August 2014 be accepted as a true and accurate record of that meeting.*

**Moved:** *Clr Al Karanouh*

**Seconded:** *Steve Loane*

**CARRIED**

### Minutes of previous GMAC Meetings

**Motion:** *That the Minutes of the GMAC meeting held in Dubbo on Friday 31<sup>st</sup> October 2014 be accepted as a true and accurate record of that meeting.*

**Moved:** *Mark Riley*

**Seconded:** *Don Ramsland*

**CARRIED**

**Motion:** *That the 8 recommendations contained therein be adopted by the OROC Board.*

**Moved:** *Clr Al Kananouh*

**Seconded:** *Don Ramsland*

**CARRIED**

#### **Recommendations:**

- 1: That the review of the Orana Regional Environmental Plan No 1 Siding Spring and its transition to a LEP be noted and that councils be encouraged to make formal comments as the process proceeds.
- 2:
  - i) That each member council determines their own need to purchase Application Tracking software.
  - ii) That those councils not yet involved in the ePlanning program be encouraged to consider their position, noting that the availability of State Government funding.
  - iii) That councils with the same PIS system be encouraged to liaise with each other regarding this project.
- 3: That OROC proceed to invite the 4 successful consultants from the Shared Services Expression of Interest to the next stage of Selective Tender and a report in respect to this be available for the next GMAC Meeting in February 2015.
- 4: That the final brief for the Shared Services selective tender process be endorsed.
- 5:
  - i) That GMAC notes an Expression of Interest for a Pilot Joint Organisation of Councils was offered to the Office of Local Government by OROC.
  - ii) That the OROC submission for a Pilot Joint Organisation as presented be endorsed.
- 6: That the information supplied by RDA Orana in respect to the advertisement of the Expression of Interest for a Regional Audit and Infrastructure Plan be noted.
- 7:
  - i) That the information supplied by RMS in respect to the Country Bridge Solutions Program be noted and that further meetings be appropriately attended by an OROC representative.

- ii) That OROC proceed to determine such representative.
- 8: i) That the presentation of Mr David Cullen, NSW Public Works in respect of the revised NDRAA be noted.
- ii) That Mr David Cullen of NSW Public Works seek clarification from RMS in respect to the eligibility of operational wage and salary costs for council employees diverted to natural disaster restoration works under as outlined in the recent changes to the NDRAA.

**Motion:** *That the 16 determinations contained therein be ensorsed by the OROC Board.*

**Moved:** *Mark Riley*

**Seconded:** *Greg Lamont*

**CARRIED**

**Determinations:**

- 1: That the apologies be accepted.
- 2: That the presentation offered by NSW Planning be noted.
- 3: That the presentation offered by NSW Planning and Environment be noted.
- 4: That the Minutes of previous GMAC Meeting held 1<sup>st</sup> August 2014 in Dubbo be adopted.
- 5: That the information prepared in respect to RMS Road Maintenance Council Contracts by Gary Woodman for IPWEA Orana be noted.
- 6: That GMAC further note that an Issues Paper in respect to Cost Recovery for RMCC is being prepared by Gary Woodman, General Manager Cobar Shire Council.
- 7: That the minutes from the meeting held on 24<sup>th</sup> September 2014 between Essential Energy, Australian Energy Regulator and Councils (including OROC representatives) be noted by GMAC.
- 8: i) That GMAC note the Networks NSW Street Lighting Consultation and Feedback Process has now commenced and a draft tender document containing the commercial and technical specification for the street lighting tender is now open.
- ii) That GMAC note Ashley Wielinga and Belinda Barlow are to liaise with Peter Halyburton in respect to the necessity for OROC to offer a submission.
- 9: That OROC Correspondence be noted.
- 10: That the financial report for period ending 27<sup>th</sup> October 2014 be adopted.
- 11: That the Executive Officer's report be adopted.
- 12: That GMAC notes that the OROC Executive Officer provided a submission to the Office of Local Government's Responsible Pet Ownership Program to seek funding for a regional project.
- 13: That the minutes of the Human Resources and Learning Development Team Meeting held 15<sup>th</sup> May 2014 be noted.
- 14: That the minutes of the Orana Risk and Safety Management Group Meeting held



12<sup>th</sup> June 2014 be noted.

- 15:** That it be noted that correspondence received from the USU to each council be noted and each council makes its own determination in respect to the matter.
- 16:** That the next OROC Board Meeting and AGM scheduled for 21<sup>st</sup> November be held in Dubbo with a meeting of the LMWUA to be held on the afternoon of 20<sup>th</sup> November also in Dubbo.

### **Business Arising:**

#### **3.1 Pilot Joint Organisations**

The OROC Board noted that OROC's Expression of Interest to the Office of Local Government for a Pilot Region was unsuccessful.

It was noted that GMAC will monitor and further consider the work and investigations being undertaken by the 5 Pilot Regions, and intends to keep in close communication with NSW Premier and Cabinet and State Government in respect to this work.

**Motion:** *That GMAC monitors and considers the work and investigations that are being undertaken by the Pilot Regions.*

**Motion:** *That the OROC Chair and Executive Officer make enquiries with the OLG with a view to attending the Far Western Organisation workshop/ forum in that is to be held in Cobar on Tuesday 2<sup>nd</sup> December 2014.*

*Moved: Clr Tracey Kings                      Seconded: Dan Simmons                      CARRIED*

#### **3.2 Australian Energy Regulator and Essential Energy Public Lighting**

**Motion:** *That Clr Mathew Dickerson, Mayor Dubbo City be nominated to represent OROC on the Essential Energy Street Lighting Consultative Committee.*

*Moved: Ashley Wielinga                      Seconded: Clr Al Karanouh                      CARRIED*

#### **3.3 Shared Services**

**Motion:** *That OROC proceed to invite the 4 successful consultants from the Shared Services Expression of Interest to the next stage of selective tender and a report in respect to this be available for the next GMAC meeting in February 2015.*

*That the final brief for the Shared Services selective tender process be endorsed by OROC.*

*Moved: Mark Riley                      Seconded: Ross Earl                      CARRIED*

#### **3.4 Country Bridge Solutions Program**

The information supplied by RMS in respect to the Country Bridge Solutions be noted.

**Motion:** *That Steve Loane, General Manager Warrumbungle Shire be nominated to represent OROC for Country Bridge Solutions workshops.*

*Moved: Greg Lamont*

*Seconded: Ashley Wielinga*

**CARRIED**

### **3.5 Regional Audit and Infrastructure Plan**

The information was noted.

### **3.6 Responsible Pet Ownership Program**

The information was noted.

## **4. OROC Correspondence**

Dubbo City Council – request for assistance in obtaining data from the State Government.

**Motion:** *i) That OROC formally write to the Attorney General requesting data from the State Government in respect of the linkages between sentencing regimes and crime levels and further requesting the strengthening of sentencing laws regarding repeat offenders.*

*ii) That OROC also makes representation to the Attorney General and Minister for Justice raising concern over the apparent lack of connection between sentencing and actual implementation.*

*Moved: Clr Andrew Lewis*

*Seconded: Clr Doug Batten*

**CARRIED**

**Motion:** *i) That OROC formally correspond with the State Government (Premier, Minister for Local Government, Deputy Premier/Member for Dubbo and Minister for Western NSW/Member for Barwon) of the continued cost shift of activities from state to local government, the misconstrued statements used by the Minister for Local Government in respect to justifying the current process of reform to local government;*

*ii) That each Mayor reproduces OROC's sentiments in 'a letter to the editor' for publication in each local newspaper utilising cost shift data for their respective council.*

**Motion:** *That the OROC correspondence be accepted.*

*Moved: Clr Steve Loane*

*Seconded: Clr Al Karanouh*

**CARRIED**

## **5. OROC Financial Report**

**Motion:** *That the OROC financial report for the period ending 27<sup>th</sup> October 2014 be accepted by the OROC Board*

*Moved: Greg Lamont*

*Seconded: Ross Earl*

**CARRIED**

## **6. OROC Executive Officers Report**

**Motion:** *That the OROC Executive Officer Report be accepted by the OROC Board*

**7. General Business**

7.1 Future OROC and GMAC meeting dates and locations were determined as follows:

Meeting Date	Time	Venue
GMAC Friday 6 <sup>th</sup> February 2015	9.30am	<b>DUBBO</b>
OROC Board Friday 20 <sup>th</sup> February 2015	9.30 am	<b>WARREN</b>
GMAC Friday 17 <sup>th</sup> April 2015	9.30 am	<b>DUBBO</b>
OROC Board Friday 1 <sup>st</sup> May 2015	9.30 am	<b>Lightning RIDGE</b>
GMAC Friday 17 <sup>th</sup> July 2015	9.30 am	<b>DUBBO</b>
OROC Board Friday 31 <sup>st</sup> July 2015	9.30 am	<b>COBAR</b>
GMAC Friday 9 <sup>th</sup> October 2015	9.30 am	<b>DUBBO</b>
OROC Board 30 <sup>th</sup> October 2015	9.30 am	<b>DUBBO</b>

7.2 Anzac Day 2015 information was noted.

**7.3 Mining Related Councils**

It was noted that Clr Peter Shinton Mayor Warrumbungle Shire Council has been elected as the Chair of Mining Related Councils.

**7.4 Digital Television reception**

Steve Loane informed the OROC Board that recent changes to the communication towers on Mt Cenn Cruaich have affected digital television reception in many areas of the Warrumbungle Shire Council area. Steve requested that councils experiencing reports of poor reception from their community to email him further details, as he is pursuing the issue with Broadcast Australia.

**7.5 Fit for the Future**

Discussions ensued regarding the OLG, Fit for the Future program noting that REMPLAN was a useful tool to determine the flow on effects to communities with cuts to local government workforce as Fit for the Future is rolled out.

**8. Close / Next Meeting**

The next OROC Board Meeting is to be held on Friday 20<sup>th</sup> February 2015 in Warren.  
 That LGNSW President and Chief Executive be invited to attend the next OROC Board Meeting.  
 That Scott McLaughlin Chief Executive Western Local Health Network be invited to the next OROC Board Meeting.

Meeting closed 12.55 pm.

### **Stronger Regions –**

The first round of Stronger Regions is open - feedback is welcome in respect to smaller rural communities that are finding it difficult to meet the eligibility criteria (cash contributions) of the current round of Stronger Regions Program.

### **Inland Rail**

A final report of Implementation Committee should be handed to the Deputy Prime Minister by mid to late December 2014.

A majority of councils in the OROC region will be able to take advantage of some of the increasing freight task and emerging economic opportunities of the Inland Rail route under the existing rail network.

The Implementation Committee believes that rail will have quite resurgence and Councils and ARTC will be encouraged to identify areas of land for rail handling facilities. There will be some good opportunities for business to relocate into Western NSW as there will be good linkages to Perth, Darwin, Sydney, Brisbane and Melbourne.

The Committee has agreed to recommend prioritising existing track upgrades to sections between Parkes and Narramine, Narrabri and North Star and Rosewood and Kagaru (QLD).

### **Roads to Recovery and Local Government**

Many Councils will have an increase to Roads to Recovery funding over next 2 years and this will hopefully allow further stimulus for councils and ease the burden of no increase to FAGs.

There is a real need to examine the models of funding that go to Councils, in metropolitan areas rate revenue is around 80% and in rural areas it is as low as 30%.

Local Government is a service provider and three levels of government certainly need to have some discussion in respect to how the service can be sustainable into the long term. In many cases if a council is lost within a community then the heart of the community is lost.

### **Natural Disaster Relief and Recovery Arrangements (NDRRA)**

Concern was raised by OROC Board Members with Federal Member for Parkes in respect to the recent changes to NDRRA especially:

- Eligibility of operational salary costs for council employees diverted to natural disaster restoration works (councils can no longer claim back their ordinary time to undertake works and can't use own employees to undertake restoration works part of the 2012 guidelines).
- Betterment funding arrangements.
- Eligible and non-eligible essential public assets (sporting field and parks) – many of these assets are unable to be insured as they are located in flood zones.

This is of serious consequence to all Councils.

## **Drought Assistance**

The severity of the current drought in certain parts of NSW and QLD is certainly crippling many rural businesses and communities.

The Federal Government is aiming to reduce the interest rate and increase the length of time for the current drought concessional loans.

There is no move by the Federal Government to reinstate Exceptional Circumstances.

Current household support is at \$900/fortnight.

There is a work for the dole program currently available for family members that work on the farm/enterprise yet do not own the land on which they work.

The Federal Government is examining 'work for the dole' programs including the concept raised by Walgett Shire Council – retaining agricultural workers within their existing community who are no longer engaged in agricultural employment due to drought conditions yet could be picked up/employed by Local Government; the ultimate aim is to retain the current population and keep cash flow within the local business community/economy.

## **Black Spot Mobile programme**

Submissions have been received and announcements will be made in the 2015 Federal Budget.

Funding will not go to improving existing services however it is aimed at areas that have no mobile coverage.

## **Mascot/Badgerys Creek – Regional airlines**

OROC has written to Federal and State Transport Ministers in respect to regional airlines retaining their slots into Mascot and emphasised the importance of rural passengers having access directly to Mascot rather than Badgerys Creek (Western Sydney).

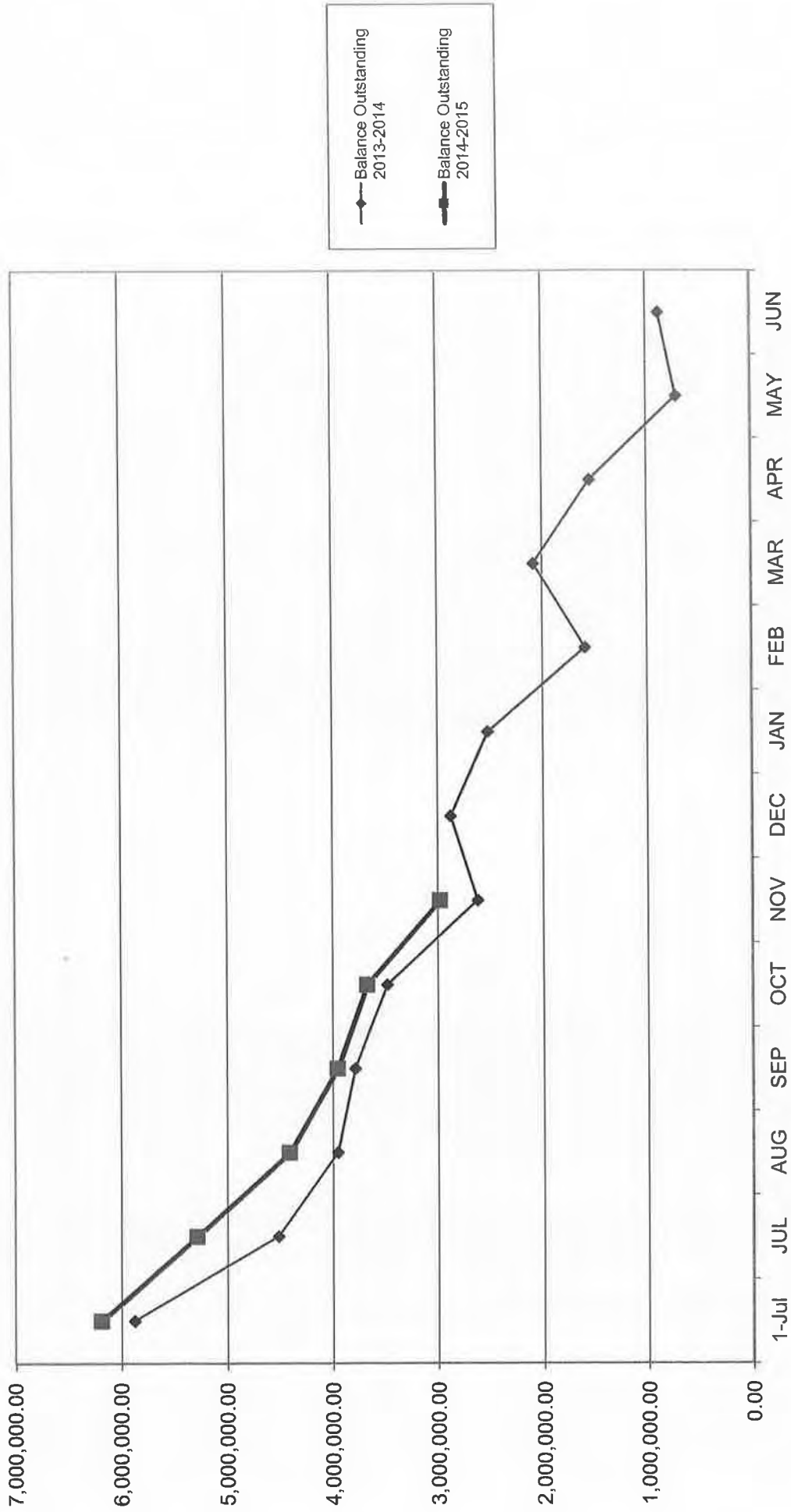
There is no apparent area of flexibility for airlines to transfer inter-state arrival/departure slots to intra-state slots into Mascot - Dubbo City Council has investigated the possibility/opportunity with other airlines to service Dubbo, yet are unable to attract them due to the airline not having any additional intra-state slots.

The en-route passenger subsidy has been reinstated for smaller country air passenger services prioritising routes linking regional or remote communities. – 60% for existing routes and 100% for new routes.

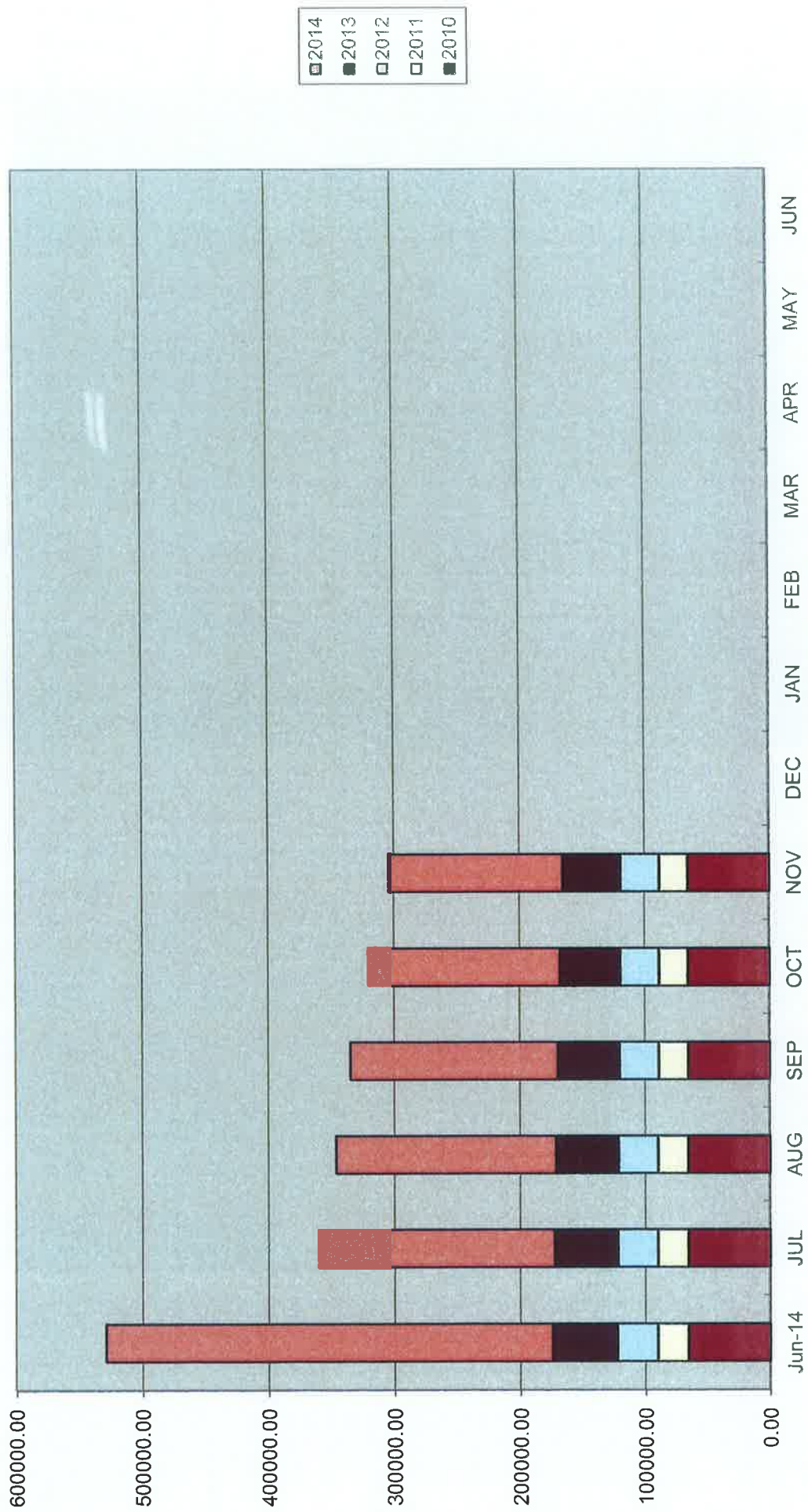
## **Action:**

- OROC to write to Federal Member for Parkes in respect to recent changes to NDRRA.
- OROC to write to Federal Member for Parkes regarding:
  - i) Regional airlines retaining access into Mascot (Kingsford Smith) – post construction of Badgerys Creek Airport;
  - ii) Allowing some flexibility for established airlines to transfer interstate slots to intrastate slots (at Mascot) and attract additional passenger services to regional ports.

**Total Rates Outstanding**  
**General Rates, Water Access, Sewer Access, Domestic Waste, Legal Costs, Interest**



**Rate Arrears 2014-2015**  
**General Rates, Water Access, Sewer, Domestic Waste, Interest & Legal Costs**





Cost Code	CAPITAL WORKS		Works Undertaken	Month	Actual 2013/2014	Allocation 2014/2015	Actual 2014/2015
	All Projects						
55114	Cobar Town Streets - SRV Reseals		Nil		-	125,000	-
	Pavement reconstruction of various streets around Cobar town centre, includes reseals.						
55116	Shire Roads (All) - SRV Reseals		Nil		-	75,000	-
	Resealing damaged segments, urgent pot holing and repairing shoulder drop-offs.						
55147	SR36 - Palesthan Road SRV Gravel Resealing		Nil		-	80,000	-
	Re-establish table drains, channels and rebuild weak spots in pavement with ridge gravel.						
55146	SR46 - Rosevale Road SRV Gravel Resealing		Nil		-	80,000	-
	Re-establish table drains, channels and rebuild weak spots in pavement with ridge gravel.						
55118	SR44 - Old Reservoir Road SRV Gravel Resealing		Grading.		5,977	16,000	6,246
	Construct concrete culvert, resheet pavement with ridge gravel.						
55122	Shire Roads (All) - Reseals resealing and shoulder works		Nil		-	100,000	-
	SR26, SR13A						
55079	Shire Roads (All) - Gravel Resheeting		Nil		-	100,000	-
	SR26, SR10, SR32, SR31 Resheet pavement with ridge gravel.						
55106	MR7518 - Barnato - Tilpa Road		Nil		-	100,000	-
	Acres Billabong Stage 1						
55083	MR7518 - Resealing		Nil		-	100,000	-
	Resealing.						
55148	MR423 - Resealing		Nil		-	100,000	-
	Resealing.						
55107	MR407 - Gravel Resheeting		Nil		-	100,000	-
	Grave Resheeting.						
<b>TOTAL</b>					\$ 5,977.00	\$ 976,000.00	\$ 6,246.00
					<b>BALANCE</b>	\$	\$ 969,754.00



Cost Code	ROADS TO RECOVER All Projects	Works Undertaken	Month	Actual	Allocation	Actual
				2013/2014	2014/2015	2014/2015
55150	SR6 - Pulpulia Road Supply, spread and compact 100 mm of crushed gravel to the surface of the road, in conjunction with a maintenance grade of the road.	Nil		-	81,742	**
55119	SR12 - Yathong Road Supply, spread and compact 100 mm of crushed gravel to the surface of the road, in conjunction with a maintenance grade of the road.	Nil		201,340	50,000	**
55111	SR20 - Grain Road Supply, spread and compact 100 mm of crushed gravel to the surface of the road, in conjunction with a maintenance grade of the road.	Nil		-	180,000	**
55110	SR23 - Booberoi Road Supply, spread and compact 100 mm of crushed gravel to the surface of the road, in conjunction with a maintenance grade of the road.	Nil		57,548	110,000	25
55149	SR24 - Mount Grace Road Gravel and seal approximately 2 kilometres of Rural Road. This will extend the length of sealing for this road.	Nil		-	150,000	**
55120	SR26 - Wilga Downs Road Gravel and seal approximately 1.2 kilometres of Rural Road. This will extend the length of sealing for this road.	Sealing and grading.		233,027	180,000	76,746
<b>TOTAL</b>				<b>\$ 491,915.00</b>	<b>\$ 761,742.00</b>	<b>\$ 76,771.00</b>
<b>** = R2R Program Commencement TBA</b>				<b>BALANCE</b>		<b>\$ 684,971.00</b>

Shire Local Roads Maintenance	Length (km)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
All Shire Roads					
SR1A - Buckanbe Road					
SR1B - Budda Road	24.70	Maintenance grading	Sept, Nov	4,429	21,440
SR2 - The Seventy Eight Mile Road	58.00	Maintenance grading	Aug, Sept, Nov	165,736	25,502
SR3 - Nelyambo Bridge Road	59.20	Maintenance grading	Aug, Nov	73,104	18,237
SR4 - Gidgee Road	29.00	-	-	15,435	
SR6 - Pulpulla Road	38.00	Maintenance grading, reforming table & mitre drains	July, Oct, Nov	6,647	26,777
SR7 - Mount Gap Road	47.00	Maintenance grading	July, Aug, Sept, Nov	24,563	52,168
SR8 - Coomeratta Road	28.00	-	Sept, Nov	59,142	636
SR9 - Neckarbo Road	66.30	Inspections	July, Nov	618	557
SR10 - Belarabon Road	57.00	-	-	68,488	-
SR11 - Bloomfield Road	51.00	-	-	3,952	-



Shire Local Roads Maintenance All Shire Roads	Length (km)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
SR12 - Yathong Road	101.00	Maintenance Grading	Oct, Nov	79,980	154
SR13A - Lerida Road	60.72	-	-	10,433	-
SR13B - Bedooba Road	69.20	Maintenance Grading	Sept, Oct, Nov	161,382	4,710
SR14 - Manuka Road	24.00	Maintenance Grading	Sept, Oct, Nov	97	21,302
SR15 - Shuttleton Road	12.50	Maintenance Grading	-	1,120	3,356
SR16 - Sandy Creek Road	9.70	-	-	8,963	-
SR17 - Merri Road	53.50	Guide posts, inspection.	July, Nov	57,033	791
SR18 - Bruce Cullenward Road	26.00	Guide posts, inspection. Maintenance Grading	July, Oct, Nov	104,102	1,305
SR19 - Burthong Road	52.00	Maintenance grading	July, Aug, Sept, Oct, Nov	4,263	74,973
SR20 - Grain Road	89.20	Guide posts, inspection.	July, Aug, Sept, Oct, Nov	96,896	40,759

Shire Local Roads Maintenance	Length (km)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
All Shire Roads					
SR21 - Tallebung Road	43.00	Guide posts, inspection.	July, Aug, Nov	50,964	7,847
SR22 - Round Hill Road	34.80	Guide posts, inspection.	July, Nov	15,093	383
SR23 - Booberoi Road	19.10	Maintenance grading	July, Sept, Oct, Nov	155,642	4,861
SR24 - Mount Grace Road	33.10	Maintenance grading, reforming table & mitre drains	July, Sept, Oct, Nov	30,138	34,559
SR25 - Wilgaroon Road	43.00	Maintenance grading, reforming table & mitre drains	July, Aug, Nov	16,300	26,370
SR26 - Wilga Downs Road	41.00	Maintenance grading	July, Aug, Sept, Nov	57,445	5,283
SR27 - Cooneybar Road	47.00	Maintenance grading	July, Aug, Sept, Oct, Nov	586	102,571
SR28 - Yimkin Road	17.00	Maintenance grading	Nov	106	120
SR29 - Booroomugga Road	40.00	Maintenance grading	-	10,865	143
SR30 - Canbelego Road	2.90	Inspections		214	-



Shire Local Roads Maintenance	Length (km)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
All Shire Roads					
SR31 - Moolah Road	66.00	-	-	32,548	-
SR32 - Developmental Road	57.00	-	-	17,410	-
SR33 - Nimagee Station Road	16.50			65	-
SR34 - Wallacevale Road	11.00	-	-	8,880	-
SR35 - Osterly Downs Road	16.00	Maintenance grading, reforming table & mitre drains	-	20,885	-
SR36 - Palesthan Road	31.00	Maintenance grading, minor repairs	July, Nov	10,966	28,614
SR37 - Bimbella Road	2.70			250	-
SR38 - CSA Access Road	4.40	Vegetation control	Dec/Jan	1,956	-
SR39 - Coombie Road	7.20			65	-
SR41 - Tilpa Weir Road	1.00		July/Nov	455	227

Shire Local Roads Maintenance	Length (km)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
All Shire Roads					
SR42 - Endeavor Mine Road	13.60	Maintenance grading	Nov	7,002	1,344
SR43 - Sewerage Works Road	1.40	Maintenance grading	Oct, nov	-	68
SR44 - Old Reservoir Road	2.10			267	-
SR46 - Rosevale Road	64.80	Maintenance grading, minor repairs	Sept, Oct, Nov	10,068	48,004
SR48 - Euabalong Tip Road	0.50			-	-
<b>TOTAL</b>	<b>1,572.12</b>			<b>\$ 1,394,553.00</b>	<b>\$ 553,061.00</b>
<b>Allocation 2014/2015</b>				<b>\$ 1,394,553.00</b>	<b>\$ 1,231,031.00</b>

**BALANCE TO SPEND**      \$      677,970.00

Regional Roads Maintenance	Length (KM)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
<b>MR228 Whitbarrow Way</b>					
Sealed Pavement	11.15			11,832	21,805
<b>TOTAL MR228</b>	11.15	Pot hole repairs	July, Nov	11,832	21,805
<b>MR407 Mulya Road</b>					
Sealed Pavement	57.44	Linemarking	Oct	23,894	14,139
Unsealed Pavement	45.06	Maintenance grade, slashing	July, Aug, Sept, Oct, Nov	243,032	2,999
<b>TOTAL MR407</b>	102.50			266,926	17,138
<b>MR411 Tipping Way</b>					
Sealed Pavement	68.88			40,274	8,611
<b>TOTAL MR411</b>	68.88	Inspections, slashing	July, Sept, Oct, Nov	40,274	8,611
<b>MR416 The Wool Track</b>					
Sealed Pavement	42.01			10,661	4,281
Unsealed Pavement	50.14			48,126	6,468
<b>TOTAL MR416</b>	92.15	Inspection, signs	July, Sept, Nov	58,787	10,749



Regional Roads Maintenance	Length (KM)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
<b>MR419 Glenwood Road</b>					
Sealed Pavement	0.39			1,500	1,994
Unsealed Pavement	46.59			67,451	6,159
<b>TOTAL MR419</b>	<b>46.98</b>	<b>Maintenance grading, signs</b>	<b>July, Aug, Sept, Oct, Nov</b>	<b>68,951</b>	<b>8,153</b>
<b>MR423 Lachlan Valley Way</b>					
Sealed Pavement	15.19			30,154	5,054
<b>TOTAL MR423</b>	<b>15.19</b>	<b>Maintenance grading</b>	<b>Oct, Nov</b>	<b>30,154</b>	<b>5,054</b>
<b>RR7518 Tiltagoona Road</b>					
Sealed Pavement	37.40			18,289	11,916
Unsealed Pavement	58.40			236,982	187,250
<b>TOTAL MR7518</b>	<b>95.80</b>	<b>Maintenance grading, culvert pipes, gravelling</b>	<b>July, Aug, Sept, Oct, Nov</b>	<b>255,271</b>	<b>199,166</b>
<b>RR7521 Kiacatoo Road</b>					
Sealed Pavement	32.83			37,316	9,436
<b>TOTAL MR7521</b>	<b>32.83</b>	<b>Guideposts, vegetation control, slashing</b>	<b>July, Aug, Sept, Oct, Nov</b>	<b>37,316</b>	<b>9,436</b>



Regional Roads Maintenance	Length (KM)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
RR7522 The Wool Track					
Unsealed Pavement	64.45			296,703	2,788
<b>TOTAL MR7522</b>	64.45	Inspections, signs	July, Sept, Oct, Nov	296,703	2,788

Regional Roads Maintenance	Length (KM)	Description of Works	Month	Expenditure	
				2013/2014	2014/2015
MR461 Priory Tank/Balowra Road					
Sealed Pavement	31.81			52,958	1,260
Unsealed Pavement	27.34			5,315	-
<b>TOTAL MR61</b>	59.15		Nov	58,273	1,260
MR68 Curranyalpa Road					
Sealed Pavement	0.42			-	-
Unsealed Pavement	30.59			13,398	64,882
<b>TOTAL MR68</b>	31.01	Maintenance grading.	July, Aug, Oct,	13,398	64,882
MR7524 Frederick Street					
Sealed Pavement	0.49			-	-
<b>TOTAL MR 7524</b>	0.49			-	-
<b>TOTAL</b>	<b>620.58</b>			<b>\$ 1,137,885.00</b>	<b>\$ 349,042.00</b>
<b>Allocation 2014/2015</b>				<b>\$ 1,232,500.00</b>	

**BALANCE TO SPEND \$ 883,458.00**

**Total Sealed - km 293.41**

**Total Unsealed - km 327.17**

66WC.11.2013 **RESOLVED:** That Council move into the Committee of the Whole Closed Council with the press and public excluded at 6:02pm as matters to be discussed are considered to be confidential vide Sections 10A (2)(d)(i) and (g) of the Local Government Act 1993, as the matters contain commercial information that would prejudice the commercial position of the person who supplied it and the matter contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and if disclosed in Open Council would prejudice the commercial and legal position of the person who supplied it.

*Clr Yench/Clr Toomey*

**CARRIED**

Council resumed in Open Council at 7:02pm.

**RECOMMENDATIONS TO COUNCIL**

67WC.11.2013 **RESOLVED:** That the following recommendations of the Committee of the Whole Closed Council be adopted by the Council.

*Clr Marsden/Clr Martin*

**CARRIED**

**REPORT 1C – COBAR MEMORIAL SERVICES CLUB CAR PARK LEASE AGREEMENT**

**FILE: L6-2**

**AOP REFERENCE: 4.3.2**

**AUTHOR: *Director of Engineering Services, Peter Graf***

91COW.11.2013 **RESOLVED:** That the Cobar Memorial Services Club Car Park Lease Agreement Report be moved for discussion.

*Clr Yench/Clr Kings*

**CARRIED**

92COW.11.2013 **RESOLVED:**

1. That Council accept the legal advice received from Marsdens Law Group and advise the Cobar Memorial Services Club that Council has investigated their concerns and found them to be invalid and therefore Council is not prepared to negotiate in regards to the conditions of the lease.
2. That the Memorial Services Club be advised that Council will consider concession in regard to payment of general rates on the car park land which is of concern during the Budget Deliberation process for the 2014/2015 budget.
3. That an investigation be undertaken to determine that all users of Crown Land where Cobar Shire Council is the trustee and Council Owned Land are being charged appropriately for the use of the land and that they hold appropriate insurances with an appropriate report to be provided in the near future.



Minutes of Ordinary Meeting 11.9.91 Page 22

Councillor Nicholson:

1. S.R.21 (File R6-1)

Advised that S.R.21 required attention.

Director of Engineering Services advised position.

2. Parks and Gardens (File P1-1)

Advised of letter in paper in relation to mulching mowers and suggested Council adopt the concept.

Director of Engineering Services to investigate.

Councillor Yench:

Tilpa Community Meeting (File A15-21)

Advised that he attended a Tilpa Community Meeting.

Director of Engineering Services to report to next meeting.

Councillor McInerney:

Estimates 1992 (File E7-2u)

Requested if forms for proposed works for 1992 estimates could be distributed to Councillors.

Director of Finance & Administrative Services advised action will be taken.

---

At this stage Councillor Doumani performed naturalisation ceremony for Benelito Telmo.

---

Council staff were then invited to join Councillors for refreshments to mark the occasion of the last Council meeting.

Councillor Doumani expressed appreciated to Councillors and staff for their assistance during his term as Shire President.

Mr. Black responded and congratulated the outgoing Councillors for their achievements whilst on Council.

Mr. Murdoch made presentations to retiring Councillors Doumani, LeLievre, Banks, Burgess and Nicholson, who all responded accordingly.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 8.59 P.M.

THIS IS PAGE 22 OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS ON WEDNESDAY 11TH SEPTEMBER, 1991.

*P. Menh*.....SHIRE PRESIDENT *[Signature]*.....SHIRE CLERK

**ELECTION OF MAYOR**

Mr. Ramsland then called nominations for the position of Mayor. Two written nominations were received from Councillors L. Brady and P. Yench. On the ballot the following voting was recorded:-

Councillor L. Brady - 7 votes  
Councillor P. Yench - 5 votes

Councillor Lilliane Brady was then duly declared elected as Mayor for the 1996/1997 term of office.

**ELECTION OF DEPUTY MAYOR**

There being only one written nomination received for the position of Deputy Mayor for the 1996/1997 term of office, Councillor Barry Knight was duly declared elected.

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**CLAUSE 3 - ELECTION OF COUNCIL COMMITTEES (FILE C12-1)**

491.9.96 **RESOLVED** that the Committee structure remain unchanged for 1996/97.

The results of Committee/Delegate Elections for 1996/97 were as follows:-

**1. Works Committee**

Full Council - meeting quarterly in January, April, July and October.

**2. Occupational Health & Safety (Special Training Required)**

Councillor Mark Smith

**3. Town Facilities**

Councillors Gracie, Good, Irvine, Knight and Don Smith

**4. Staff Review Committee**

Councillors Pryor, Gracie, Irvine and Knight

**5. Villages Communities**

Councillors Yench, Prendergast and Bradley

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THIS IS PAGE 2 OF THE DRAFT MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COBAR HELD ON WEDNESDAY 18TH SEPTEMBER, 1996.

*L. Brady*

MAYOR

*[Signature]*

GENERAL MANAGER





# LEASE

Real Property Act 1900  
**LAW SOCIETY LEASING**



3349663 Y

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next page as printed.

Office of State Revenue use only

**B**  
LAW SOCIETY LEASING  
STATIONERY UNIT  
SUITS 227-85  
401867077

### PROPERTY LEASED

Show up to 20 references to title.

If part of the land in a title is  
being leased, specify the part.

FOLIO IDENTIFIER 2/214174  
FOLIO IDENTIFIER 3/214174

### LODGED BY

LTO Box  28 A.	Name, address or DX, and telephone <b>GALLOWAY &amp; CO.</b> Phone: (02) 9233 1011 Fax: (02) 9232 6491 DX 340, SYDNEY L.T.O. Delivery 28A REFERENCE (max 15 characters) <b>BUCKNO: COBAR</b>
----------------------	--

### LESSOR (landlord)

COBAR MEMORIAL SERVICES AND BOWLING CLUB LIMITED  
(A.C.N. 000 869 821) of 2 MARSHALL STREET COBAR

The lessor leases to the lessee the property described above subject to the following **ENCUMBRANCES**

1. M 884930
2. ....
3. ....
4. ....

### LESSEE (tenant)



THE COUNCIL OF THE SHIRE OF COBAR  
36 LINSLEY STREET  
COBAR NSW 2835  
TENANCY: (e.g. joint tenants)

### SCHEDULE OF ITEMS

1. LEASE PERIOD: 25 YEARS
2. COMMENCEMENT DATE: 01/11/1996
3. TERMINATION DATE: 31/10/2021
4. With an **OPTION TO RENEW** for a period of 25 YEARS set out in clause 4
5. With an **OPTION TO PURCHASE** set out in Not applicable
6. Together with and reserving the **RIGHTS** set out in Not applicable
7. This lease includes **ANNEXURES A and B**.
8. This lease includes the provisions in **MEMORANDUM No.** filed in the LTO. Not applicable

SEE A SOLICITOR ABOUT THIS LEASE

CHECKED BY (office use only)

[Signature box]

*LSB* *[Signature]*

2 cc YSA  
109

We certify this dealing correct for the purposes of the Real Property Act 1900. DATE:

Signed in my presence by the lessor who is personally known to me  
THE COMMON SEAL OF COBAR MEMORIAL SERVICES & BOWLING  
CLUB LIMITED WAS HEREUNTO AFFIXED IN ACCORDANCE WITH  
ITS ARTICLES OF ASSOCIATION IN THE PRESENCE OF:

*[Signature]*  
.....  
Director

Signature of witness *[Signature]*

NAME OF WITNESS (BLOCK LETTERS) .....

*S. H. TURNER.*

Address of witness .....

*4 LEWIS ST.  
COBAR. 2635.*

*[Signature]* *[Signature]*  
Signature of lessor Secretary



Signed in my presence by the lessee who is personally known to me  
THE COMMON SEAL OF THE COUNCIL OF THE SHIRE OF COBAR  
WAS HEREUNTO AFFIXED IN ACCORDANCE WITH RESOLUTION  
MADE ON ..... DAY OF NOVEMBER 1996. IN THE PRESENCE OF:

*[Signature]*  
.....  
Mayor

Signature of witness .....

NAME OF WITNESS (BLOCK LETTERS) .....

Address of witness .....

*[Signature]*  
Signature of lessee General Manager

*9.12.96*

Signed in my presence by the guarantor who is personally known to me

Signature of witness .....

NAME OF WITNESS (BLOCK LETTERS) .....

Address of witness .....

Signature of guarantor .....

I solemnly and sincerely declare in respect of every option to renew or purchase in Lease No. ....  
that the time for exercise of the option has ended and that the lessee under that lease has not exercised the option.  
I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths Act, 1900.

Made and subscribed at ..... in the State of ..... on ..... 19.....  
in the presence of

Signature of witness .....

NAME OF WITNESS (BLOCK LETTERS) .....

Address of witness .....

*[Signature]*

Signature of lessor .....



**ANNEXURE A** to the Law Society Lease

Landlord: COBAR MEMORIAL SERVICES & BOWLING CLUB LIMITED

Tenant: THE COUNCIL OF THE SHIRE OF COBAR

**B**

This annexure consists of \_\_\_\_\_ pages.

**NOTE:** Any alterations and additions to Lease Covenants in Annexure B must be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

**SCHEDULE OF ITEMS (continued)**

Item 9  
(cl 2.3)  
(cl 13.7)

A. The guarantor: NOT APPLICABLE

B. Limit of guarantor's liability: NOT APPLICABLE

Item 10  
(cl 3)

Additional leased property: ANY IMPROVEMENTS IN SITU AS AT 01/11/1996

Item 11  
(cl 4)

**Option to renew**

A. Further period of 25 years from 01/11/2021  
to 31/10/2046

B. Further period of \_\_\_\_\_ years from  
to \_\_\_\_\_

C. Maximum period of tenancy  
under this lease and permitted renewals: 50 years

D. First day option for renewal can be exercised: 30/04/2021

E. Last day option for renewal can be exercised: 31/07/2021

Item 12  
(cl 5)

**Rent**

For the lease period:

From the commencement date  
to the first rent review date:

\$ 1.00 a year payable in advance  
~~by monthly instalments of \$~~  
for whole of term of Lease

Afterwards:

~~At the new yearly rent beginning on each  
review date by monthly instalments of  
one twelfth of the new yearly rent.~~

For the further period in item 11A:

From the commencement date  
to the first rent review date:  
(for example: Current market rent)

\$10.00 a year payable in advance for  
whole of term of Option Period

Afterwards:

~~At the new yearly rent beginning on each  
review date by monthly instalments of  
one twelfth of the new yearly rent.~~

*Handwritten signature*



For the further period in item 11B:  
From the commencement date  
to the first rent review date:  
(for example: Current market rent)

NOT APPLICABLE

Afterwards:

At the new yearly rent beginning on each  
review date by monthly instalments of  
one twelfth of the new yearly rent.

Item 13  
(cl 5)

**Outgoings**

- A. Share of outgoings: )
- B. Outgoings - )
- (a) local council rates and charges; ) NIL
- (b) water sewerage and drainage charges; )
- (c) land tax; )
- (d) insurance )

for the land or the building of which the property is part, fairly apportioned to the  
period of this lease.

Item 14  
(cl 5.1.5)

**Interest rate:** 15%

Item 15  
(cl 5.4)

**Rent review**

Rent review date  
01/11/2021

Method of rent review  
See Item 12 of Annexure  
"A"

If Method 1 applies,  
increase by  
(the increase should show  
a percentage or amount).

Method 1 is a fixed amount or percentage.  
Method 2 is Consumer Price Index.  
Method 3 is current market rent.

Method 2 applies unless another method is stated.

Item 16  
(cl 6.1)

**Permitted use:** Car Park

Item 17  
(cl 8.1.1)

**Amount of required public liability insurance:** \$5,000,000.00 or such other  
amounts as the Lessor may reasonably require

**ATTACHMENT 2: FAR WEST INITIATIVE – MEETINGS WITH FAR WEST COUNCILS**

Discussion Points – Meetings with Far West Councils

November 2014 – Cobar Shire Council

<b>1. Working Together – Building a new local governance and service delivery solution</b>	
<b>Question</b>	<b>Cobar Shire Council Response</b>
What are the key issues that should be discussed at the Forum in December?	<ul style="list-style-type: none"> <li>- Identify ways to better coordinate State government, Commonwealth and NGO service provision in our community, given the differences in the makeup of each community in the Far West, to reduce duplications and improve service delivery.</li> <li>- Review funding mechanisms to Local Government, including cost shifting of State and Commonwealth Services to Local Government.</li> <li>- Look at how the Far West Initiative will cut out the duplication of service provision, streamline funding to communities and the opportunities for Local Government. Analyse how the existing structures of Councils and groupings of Councils (such as those participating ROCs) can be utilised to achieve the outcomes.</li> <li>- Practicality of the geographical size of the Far West and how it may be split into subsections to undertake individual activities.</li> <li>- How will any initiative overcome “the tyranny of distance”?</li> </ul>
How can Councils best contribute input and advice at the Forum?	<ul style="list-style-type: none"> <li>- ???</li> </ul>
Which key local organisations and community groups should also be engaged in this discussion over time?	<ul style="list-style-type: none"> <li>- Information already provided to OLG.</li> <li>- Inclusion of key business groups may be useful later in the process.</li> </ul>

<b>2. Service Delivery – Improving services for local communities</b>	
<b>Question</b>	<b>Cobar Shire Council Response</b>
What are the implications for service planning and delivery in the Far West if we are to achieve the	<ul style="list-style-type: none"> <li>- Identify what services actually exist and to what extent in each community in the Far West and where they are serviced from and the frequency/adequacy of service provision.</li> <li>- Identify what the community needs actually are?</li> </ul>

<p>community's needs and aspirations?</p>	<ul style="list-style-type: none"> <li>- What are the issues/ service gaps that need to be addressed in each community?</li> <li>- There needs to be a desire from service providers to be involved in this process, a willingness to work together and to find efficiencies in the delivery of services.</li> <li>- Identify barriers to coordinated service provision, such as: <ul style="list-style-type: none"> <li>- Competitive tendering for service provision contracts</li> <li>- Lengths of contracts for NGO's,</li> <li>- Changes in providers and the length of time it takes the new providers to become familiar with the community, make their linkages and actually start providing a service eg introduction of RJCP and service provision given to MPREC – it took MPREC 12 months to get set up and start providing the service.</li> </ul> </li> </ul>
<p>To what extent are services provided by all levels of government meeting local needs? What are the key areas of duplication? What are the key gaps?</p>	<ul style="list-style-type: none"> <li>- It's not just government service providers. The key is to include NGO's as many state services are now outsourced. Without the inclusion of NGO's there is little point in trying to coordinate service provision.</li> </ul> <p><b>Areas of duplication:</b></p> <ul style="list-style-type: none"> <li>- The different NGO's having to redo service mapping at the start of each contract.</li> </ul> <p><b>Key Gap Areas:</b></p> <ul style="list-style-type: none"> <li>- Lack of holistic family service providers (dealing with parenting and children issues, dealing with the family as a whole), family support and early intervention services.</li> <li>- Lack of services from the hospital (maternity, anti-natal, surgery, etc). Significant reliance on the RFDS. Once transferred to another town, a lack of understanding/support on the issues at discharge re getting back to own community, transport, accommodation, etc.</li> <li>- Drug &amp; Alcohol Counselling.</li> <li>- Vacation Care.</li> <li>- Police Liaison Officer (School).</li> <li>- Youth Worker (after hours).</li> <li>- FACS Staffing levels are inadequate.</li> <li>- Adolescent health and mental health services.</li> <li>- Domestic Violence/ Safety House Services.</li> <li>- Health Services – physiotherapy, OT, speech therapy.</li> </ul>

	<ul style="list-style-type: none"> <li>- Lack of information share between State Government services.</li> <li>- Police Services.</li> <li>- Government Access Centre (Court).</li> <li>- Services NSW.</li> </ul>
<p>What is Council's role in delivering services? What should it be? What would enable this to occur?</p>	<ul style="list-style-type: none"> <li>- Council currently provides services were there is an identified gap (generally because other levels of government aren't providing the service, eg GP services). Council steps in due to pressure from the community – however it impacts on the other services that Council is able to provide.</li> <li>- Youth Services - Council currently provides a Youth and Fitness Centre (infrastructure) with limited Youth Programs when funding by other levels of government can be accessed. The centre is also used by community and government groups such as Barnardos and Community Heath to deliver programs – Council provides the infrastructure free of charge.</li> <li>- Children's Services – Council administers the Cobar and Nyngan Family Day Care Services, In-home Care Services for the entire Western area (Wilcannia to the SA border to Wanarring etc) and the Cobar Outside of School Hours service (COOSH).</li> </ul> <p>Council provides facilities at a discounted rate to the Cobar Mobile Children's Services for the provision of preschool and playgroup services. Council also provides \$5,000 per year to the Lachlan Mobile Children Services to provide services to the Southern end of the Shire. In the past Council provided land to a community group to construct Cobar Preschool, Council continues to provide discounted rates to this service.</p> <ul style="list-style-type: none"> <li>- Aged Care Services – Council owns and operates a 34 bed hostel and nursing home facility, with 1 respite bed. Council has tried to get an external service provider to take this on but they deemed it unprofitable due to economies of scale and the needs for upgrades to bring the facility in line with current best practice (such as removing four bed rooms). In the past Council has donated land for the construction of independent living aged units run by community group.</li> <li>- Library Services – Cobar Library provides a 5 ½ day a week service. They provide a range of activities including Children's playgroups,</li> </ul>

reading groups, a Bookaholics group, basic IT courses, school holiday programs and much more. In addition 5 hours a week of library services are provided in both Euabalong and Nymagee.

- Council currently provides a room to the Cobar Genealogy Group to operate from. This is a volunteer group. The room is at the back of a commercial building in the CBD.
- Tourism and Visitor Information Services – Council provides a 7 day a week Visitor Information Centre and an extensive and updated museum (also open 7 days a week, with curator services). Council owns and leases out the management of the Cobar Caravan Park.
- Sport and Recreational Services – Council owns an extensive list of parks, gardens, playgrounds, reserves and a swimming pool. Council is also the Trustee for 8,000ha of Crown Common.
- Medical Services – Council provides a walk in walk out equipped dental surgery and house, the Cobar Primary Health Care Centre building, the allied health service building and attached house and an independent doctors surgery. In addition, Council provides units at a subsidised rent for medical professionals.
- Community Donations – Council provided in 2014/2015 \$36,000 worth of donations to community groups.
- Council could provide more community services if adequate funding was available. For instance, the provision of a Youth Development Officer has been identified as a high priority in the Youth Development Plan 2012-2016 and Council's Annual Operational Plan, although funding to implement this has not been available.
- Given the cyclical nature of the mining industry there are often times when there is inadequate child care facilities to meet the demand. The current Long Day Care Centre cannot expand at their current location. Opportunities could exist to coordinate Child Care Services at one location in Cobar (bringing together Council's services, long day care, preschools and mobile children's services). This would require up-front capital

	<p>expenditure, however would create better efficiencies and allow expansion of services when demand exists.</p> <ul style="list-style-type: none"> <li>- The option of bringing together the Cobar Hospital and the Lilliane Brady Village into a multipurpose health service will allow additional services to be provided and bring efficiencies about in health provision.</li> <li>- Council is flexible and positive and can examine delivery of services if properly funded for a range of services.</li> </ul>
<p>What information can your council provide to build an accurate overall picture of what services are being delivered in the Far West and their cost?</p>	<p>See spreadsheet already delivered to OLG.</p>

### **3. Engagement and collaboration – Working together and with others to ensure more coordinated and effective services**

<b>Question</b>	<b>Cobar Shire Council Response</b>
<p>What makes some service delivery more effective and efficient than others?</p>	<ul style="list-style-type: none"> <li>- Networks of providers. For instance Cobar Mental Health Network and the Cobar Domestic Violence Action Group work together to pool their resources to provide a service. There's no duplication and full knowledge of what services can be provided.</li> <li>- Council's working together and using existing networks such as OROC and Lower Macquarie Water Utilities Alliance.</li> <li>- Level of funding and sharing of local knowledge, involvement, continuity, relevance of contracts.</li> <li>- Better communication.</li> </ul>
<p>Are you aware of organisations working well together to deliver services in the Far West? What makes these arrangements work?</p>	<p>See groups above.</p> <ul style="list-style-type: none"> <li>- Neighbouring Councils working together.</li> <li>- Royal Far West working with local schools and using technology to provide a remote service in addition to their Manly facility.</li> <li>- There are opportunities to better use new technologies. Skype and the like are used for some allied health service provision by both the Royal Far West and Western Medicare Local.</li> <li>- Effective groups have a committed secretariat and identified need and a common goal; they are able to pool their resources, both people and</li> </ul>



	<p>funding. Those working together are the decision makers or have the ability to commit on the spot to activities and budgets.</p> <ul style="list-style-type: none"> <li>- Organisations such as the local schools appreciate dealing with one peak body rather than a series of individual service providers offering similar uncoordinated services.</li> </ul>
<p>What could be done to improve collaboration between governments and others who are delivering services? What are the barriers to achieving these changes?</p>	<ul style="list-style-type: none"> <li>- Having a clear understanding of where the services are being provided and where the gaps exist.</li> <li>- A willingness of providers to work together. There may currently be some pressure to compete for limited funds which may prevent coordination and collaboration (at least at a regional level. Locally the workers can see the benefits and needs to work together).</li> <li>- Honesty and review of processes and decision making. If there's a problem, have the courage to make changes to the program.</li> <li>- A strong community plan outlining the priority areas is required and adequate coordinated government planning needed to implement it.</li> <li>- Communication.</li> <li>- Common goals.</li> </ul>

**4. Governance – Setting Service delivery priorities and monitoring success**

<b>Question</b>	<b>Cobar Shire Council Response</b>
<p>How should service delivery priorities be set? How would this improve outcomes?</p>	<ul style="list-style-type: none"> <li>- Appropriate plans in place – together with Asset Management Plans the development of enhancement programs for those assets, listings suitable projects for funding.</li> <li>- Integrated planning and reporting processes by all levels of government done locally with Stakeholder consultations.</li> </ul>
<p>In what areas could service coordination be most improved? What practical steps could be taken to work better together at a regional level?</p>	<ul style="list-style-type: none"> <li>- Strategic land use planning at a regional level.</li> <li>- Regional Transport Plan including local road systems.</li> <li>- A strong and active Interagency represented by decision makers and supported and encouraged by DPC.</li> <li>-</li> </ul>
<p>What could be done to better engage local communities in planning and evaluation?</p>	<ul style="list-style-type: none"> <li>- Including community leaders from the start.</li> <li>- Using Local Government IP&amp;R Documents as a base.</li> </ul>
<p>How are governments and others working with</p>	<ul style="list-style-type: none"> <li>- Old “Mission” communities such as that at Murrin Bridge which are currently controlled by Local Aboriginal Land Councils are inadequately</li> </ul>

<p>indigenous communities to ensure services meet their needs? How could this engagement be improved?</p>	<p>resourced to provide appropriate services to their community. In the case of Murrin Bridge there is no emphasis on hard infrastructure and a lack of understanding by government service providers on the effects of changes to government programs on that community. A better management structure and funding is required to be successful.</p> <ul style="list-style-type: none"><li>- A strong well resourced, active and focused Interagency is a starting point to better coordinating services for each community. Communities have to be supported to identify and prioritise their needs and be involved in working out a solution.</li></ul>
---	--



## **Broken Hill:**

### **Key areas of council concern:**

- Keen to ensure that local decision-making is a key feature of whatever model is considered for the Far West. Feel that there is currently no real autonomy – no *real* local decision-making.
- Keen to ensure that funding models be more flexible – eg requirement to ‘match funding dollar for dollar’ often precludes councils from applying.
- Facilitation of the December forum will be key – need someone who can get councils thinking outside the square.
- There is a lack of strategic capacity to advocate for an equitable voice (eg in Cabinet, in State policy-making processes).

### **For discussion at 2 December forum (or elsewhere):**

- How can we best utilise existing Community Strategic Plans from across the Far West to help us to understand what the community most wants from this reform process.
- Need an opportunity to bring ALL stakeholders together to imagine and develop a shared vision for the Far West, and agree on actions to achieve that vision.

### **Responses to Discussion Points:**

#### *Working together – building a new local governance and service delivery solution*

- Need a focus on access to skills and expertise
- Provide different stories with examples of how councils have addressed change successfully – need “thought leadership”.
- There are limited opportunities for professional development and support for staff in or who move to the West. This is likely to also be an issue for State agencies, and so there may be synergies in finding ways to address across all levels of government.
- Management of assets in any new arrangement will be a key question requiring a response. How funding is allocated to assets will need to be reviewed – eg RMS provides funds to councils to meet its internal 30 June deadline, but the required spending may not align with councils’ own asset management strategies and priorities (see further discussion below).
- If we move to a service delivery model that brings local and State government into closer alignment, then it would be helpful if those State agencies do an IP&R process too.
- Broken Hill Community Round Table

#### *Service delivery – improving services for local communities*

- Outcome of this process needs to be about delivering a better service with less waste, and address the issue of loss of jobs versus duplication of service.
- Current contracted funding arrangements can be cause of some duplication and/or lack of coordinated approach to service delivery.
- Gaps in service delivery include: access to resident health specialists; access to high level skills/expertise in a range of human service areas; access to childcare and adolescent mental health services; skills in funding applications; diminishing numbers of older people with skills to volunteer in community (volunteers relied on heavily);

tertiary/post-secondary education opportunities to enable young people (and others) to remain in community.

- Ideas to address gaps include: a central body to coordinate the application and management of grants across the community (whole of Far West); a whole-of-government approach to communicating to the community about what services exist – a single source of truth about who does what; better utilise new and emerging technologies to improve access to further education (including for school leavers, post-graduate study to build professional capacity, mandatory continuing professional development and professional accreditation requirements – all reasons some professionals with skills and expertise end up leaving the area).
- The ageing population has impacts for the assets and infrastructure (eg more ramps), but also on type and mix of services provided, and impact on workforce requirements and workforce availability. An ageing workforce has impacts on decision-making and thought processes, as the 'elderly' are not necessarily in touch with the thinking of the broader population.
- Most councils cannot afford to run apprenticeship programs, and given they're often one of the larger employers in a community, that means minimal opportunities for retaining younger people in the community. This often results in a big gap in the 18-35 year bracket in the community – which has a greater impact overall, as there are then less growing families, new children coming into the population = ongoing population decline.

*Engagement and collaboration – working together and with others to ensure more coordinated and effective services*

- Rules for funding (ie matching funding provided by other levels of government) = ineffective/inefficient funding. This is an example of where a whole-of-government process could make it more effective (need data to prove this). Eg economic development – the council can't match the funds so doesn't reach its economic development potential, which lowers the socio-economic status of the community, which may lead to future increased Government spend (maybe more than the original amount would have been).

*Governance – setting service delivery priorities and monitoring success*

- State agencies should undertake an IP&R process in collaboration with local government planning.

**Gary's Notes**  
**24 October 2014**

**FAR WEST INITIATIVE**

**Present:**

Peter Abbott, Peter Yench, Bob Sinclair, Marsha Isbester, Peter Maxwell, Tracey Kings, Gary Woodman, Stephen Poulter, Angela Shepherd, Greg Martin, Michelle Maidens.

**Purpose of Meeting held on Friday 24 October 2014:**

Development of service delivery model for the Far West.

**Build a service delivery model**

- What works? ]
- What doesn't work? ] All services
- What can we fix? ]

**Review: Total lack of information on what service delivery**

- Local;
- State;
- Commonwealth;
- NGO.

Commonwealth has done some work on the issue in Wilcannia;

First exercise is to map what the Councils do in the Far West;

Have looked at our Annual Reports?

What works, what doesn't?

Nothing is off the table.

Reform to affect Local and State Government and influence the Commonwealth.

Practicalities.

Where will the base be? Broken Hill (no decision made!!!)

But all of our services come from the East – health, education, land services.

The Government has agreed to the 'Far West Organisation' in principle.

No model on the table.

Accepted that Cobar Shires community of interest.

Far West Organisation could be on the side of (not above) Local Government perhaps, structures will not be taken away.

- FWO comes in from the side!!!
- But it seems it is another tier of Government;
- \$\$\$\$ is the problem of Far West Councils!!!
- 18 months – 2 year projects;

Phase 1: – 6 months – 12 months – finding out and scoping;  
Phase 2: – Development of model;

- May be a situation of picking the low hanging fruit!!!!
- Example of NSW Health /Local Health District providing health services and then Commonwealth Government providing Aboriginal Health services separately;
- Court House services ‘GAP’ being eventually reduced – CPS.
- Family and Youth Services in Cobar:
  - o Juvenile crime;
  - o Public housing;
  - o Human services;
  - o Problems with ability to obtain grant help because of being a ‘wealthy town’;
  - o Domestic violence

NPWS Services almost gone;

No discussion at all on any service reduction;

Local Land Services (LLS) is another example;

Cobar Youth Services – Council gets \$15k/year to provide Youth Services; only 1 NGO in town – Barnados.

Coordinated approach by Human Services is not happening at crisis points – Inspiration House working for domestic violence.

Everything seems to be the responsibility of Police;

New contractors. Doing homelessness which is not a problem in Cobar;

NGO’s do mapping but no one produces the mapping;

DPC are developing a database at the moment!

Regional Roads funding – CSC - \$2,500/km  
CDSC - \$2,850/km  
Lachlan SC - \$4,000/km

Water Allocations – Bogan - 2,750/ml

Cobar - 1,850/ml

Councils are often in competition with each other!!!!

Geographical area just will not work as each Council in Far West is different;

Essential Energy or Telstra listed as example of local services being lost, luckily we still have the mobile phone number of the local person !!!!

Need to do a 'Service Inquiry'  
It is call a 'Far West Initiative'

High chance that Cobar Shire Council will do a Fit for the Future Program.

But a Cabinet decision has still put Cobar Shire Council in the Far West Initiative!!!!

**Question** – What Commonwealth, State, NGO programs can be done better in and for Cobar?

Issues Paper to be prepared in April 2015.

They imagine most Far West Councils will put in Fit for the Future Submissions.

- Local Representation important !!!
- Recognition of separate communities of interest.

### **Service Delivery**

Cobar Interagency waste of time, Council is the only organization that has buy in.

But below that there is some coordination.

- Mental Health Network)
- Domestic Violence ) Particularly if there is an identified local issue;
- Children's Services )

Health, Education

Still could be better integrated/coordinated care for the most problems;

The contractors of the different services never cover what the previous provider provided or the program is different;

Department of Community Services (DOCS) is the worst example of how to deliver services!!!

- How it is administered;
- How the staff work;
- People/manages above their capacity;
- Cobar staff travel everywhere;
- Coordination is very poor;

- Distance magnifies the problem.

NSW Ambulance is having the same problems, sometimes single person response!!!!

Government Department Building M & R - sent from Sydney;

Funding contracts can cause much of the difficulties;

Strong local input info placed services;

Can the Commonwealth /NSW State Government Services be directed through the Council, is it feasible for not?

ie what funding would be made available including funding for the management of the program;

36 months and no interest at the moment ("Harvey Norman");

- o Youth Services;
- o Children's Services;
- o Arts and Cultural Services;
- o Economic Development Services;
- o RMS Motor Registry Services including heavy vehicle inspection services;
- o RMS RMCC works.

**Answer the questions before 2 December 2014 –( perhaps dot points)**

Do we need a Far West Organisation?

Cabinet has agreed 'in principle' to a Far West Organisation but not fait accompli.

10,000 population figures may not always be a 'Rural' Council - it is only an option.

Who is our FFF Facilitator – none as we are not going to merge.

Karen Leggo – first point of control for the FFF Program for Cobar Shire Council;

(Would help with our FFF submission).

A further summit mid 2015!!!!

Local Government needs to be involved in the solution.

**Question:** It is just to justify the creation of a Far West Authority or Far West Organisation?

→ Initiate thinking with Manex

→ Workshop at 13 November 2014 Committee Meeting- 6pm to 9pm (after Committee Meeting)

<b>Circular Details</b>	Circular No 14-30 / Date 12 November 2014 / A399226
<b>Previous Circular</b>	14-24 and 14-23
<b>Who should read this</b>	Councillors / General Managers / ROCs
<b>Contact</b>	Innovation Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	For information

## Announcement of Joint Organisation Pilots

### What's new or changing

- The Minister for Local Government has announced the regional groupings of councils that will assist the NSW Government to pilot Joint Organisations, a key component of the Fit for the Future package to strengthen local government.
- The five groups of councils that will pilot Joint Organisations throughout 2015 are: the Central West, Hunter, Illawarra, Namoi and Riverina regions.

### What this will mean for your council

- All councils outside of Greater Sydney will be a member of a Joint Organisation from September 2016.
- The pilots will ensure a robust yet flexible Joint Organisation model is developed through collaboration between the State Government and local councils, and inform the approach to implementation.

### Key points

- Eleven applications, covering 14 regions, were received from across regional NSW.
- Given the strong interest in participating in a pilot expressed by councils, as well as the high quality of the applications, the Government will consider the possibility of initiating further pilots prior to the proposed State-wide roll out in 2016.
- The pilots will commence shortly, with a series of workshops to help initiate the process.

### Where to go for further information

- Further information about Joint Organisations and the pilot process is available in the publication, *Joint Organisations: A roadmap for intergovernmental collaboration in NSW*, available at: [www.fitforthefuture.nsw.gov.au](http://www.fitforthefuture.nsw.gov.au).



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**The Hon Paul Toole MP**  
Minister for Local Government

Clr Bill McAnally  
Chair  
Orana Regional Organisation of Councils  
PO Box 115  
NARROMINE NSW 2821

Ref:  
MIN:  
Doc ID: A398331

[oroc@oroc.com.au](mailto:oroc@oroc.com.au)

12 NOV 2014

Dear Clr McAnally

I am writing in reply to your recent Expression of Interest made on behalf of councils in your region to pilot a Joint Organisation, a key component of the NSW Government's Fit for the Future package.

I would like to take this opportunity to thank you the councils in the region for their commitment to supporting the development of Joint Organisations and for your effort in preparing the Expression of Interest (EOI).

The response to the call for EOI was very positive, with 11 applications received in total. After careful consideration of all EOIs in relation to the advised criteria, the Government has announced it will be supporting five regions to pilot the Joint Organisation model. I regret to inform you that your proposal was not successful at this time.

However, given the strong interest in participating in a pilot expressed by councils across regional NSW, as well as the high quality of applications received, I have asked the Office of Local Government to consider the possibility of initiating further pilots prior to the proposed State-wide roll out in 2016.

In the meantime, I strongly urge you to continue to progress your proposal on an informal basis so that your region is in the best position to implement Joint Organisations in future. You may wish to contact the Office of Local Government to obtain further assistance in this regard.

If you wish to discuss your application or the pilot process further, please contact Mr Keith Baxter, Manager, Innovation at the Office of Local Government on 02 4428 4135 or via email to: [keith.baxter@olg.nsw.gov.au](mailto:keith.baxter@olg.nsw.gov.au).

Thank you for taking the time to submit an Expression of Interest for this project.

Yours sincerely

Paul Toole MP  
**Minister**





# Paul Toole MP

## Minister for Local Government

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### MEDIA STATEMENT

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Friday 14 November 2014

#### REPORT HANDED DOWN INTO CENTRAL DARLING SHIRE COUNCIL

NSW Minister for Local Government Paul Toole today announced that an Administrator would be appointed at Central Darling Shire Council, following recommendations made by Commissioner Richard Colley.

On 19 June 2014, Mr Toole announced a public inquiry into Central Darling Shire Council, following concerns the Council was in an extremely serious financial position.

The Public Inquiry found that:

- *"The Councillors, in the main, displayed a fatalistic attitude about the Council's financial viability.*
- *There was no attempt to resolve or arrest the Council's financial decline.*
- *There was a failure to recognise that the seemingly unfettered expenditure was coming from restricted reserves, without approval and contrary to legislative requirements.*
- *At no stage did the Councillors appear to consult with individual townships or the community generally, with a view to gaining community support to remedy the financial situation.*
- *The Councillors blamed, and continue to blame the Federal and State governments, including various government agencies for a failure to provide funding to bail the Council out of the financial crisis.*
- *Despite being presented with a monthly cash balance report, and being aware of the rapid absorption of investment and grant funding, the Councillors failed to demand quarterly budget reviews."*

Mr Toole said the Commissioner concluded that there is no viable alternative for the Council, other than a lengthy period of administration.

"There is a risk that the momentum gained during the period of interim administration will be lost if a new Council is elected in the short term.

"It is essential that the interests of the residents, ratepayers and council staff are put first."

"Mr Greg Wright, who has been acting as the interim Administrator, has been appointed as the permanent Administrator."

For the full report into Central Darling Shire's public inquiry, visit: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

**MEDIA:**

**Antonia Morrow 0419 468 235**

# Working Paper Series

08-2007

June 2007

## A New Model of Regional Governance in Australian Local Government with Local Autonomy Preserved

**Brian Dollery\*, Joe Wallis\*\* and Don Ramsland\***

*\*School of Economics & Centre for Local Government, UNE; \*\*American University of Sharjah; and \*Inglewood Shire Council*

**Abstract:** Various state-based and national reports into Australian local government have conclusively demonstrated that the problem of financial sustainability is widespread amongst local councils, especially in non-metropolitan areas. The main impact of this financial distress has fallen on local infrastructure and the magnitude of the problem is now so large that only massive injections of funds from higher levels of government can resolve the problem. However, some scope also exists for local councils to improve the efficiency of their operations. While structural reform in the guise of amalgamation has largely failed to generate efficiency gains, all state-based and national inquiries into local government saw significant potential in shared service models. This paper seeks to augment the existing embryonic literature on alternative models of local government suited to Australian circumstances by proposing a new two-tier model of local governance that can enhance regional cooperation between local councils. The model seeks to preserve local democracy and local representation while simultaneously encouraging shared services in those areas of service provision that exhibit economies of scale and scope economies.

**Keywords:** Alternative models; local government; shared services

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**Note:** All papers in the WP series have been refereed

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