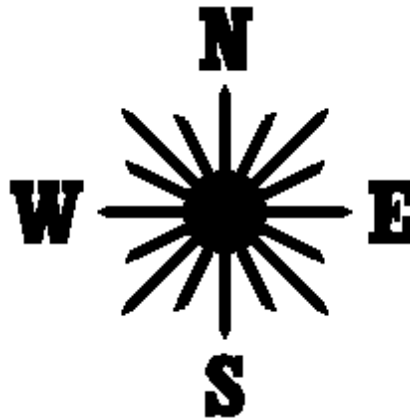


## Mission Statement

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

# CENTRAL DARLING



# SHIRE COUNCIL

## Minutes

For the Ordinary Meeting

Tuesday 17<sup>th</sup> December 2013

In the Council Chambers

Wilcannia

**Council dedicated to serving its Communities**

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

The Draft Minutes of the Ordinary Meeting of Council was held in the Council Chambers, Wilcannia on Tuesday 17<sup>th</sup> December 2013 and commenced at 9:10am.

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## SECTION 1. RECEIPT OF APOLOGIES

### **COUNCILLORS PRESENT:**

Ray Longfellow  
Clive Linnett  
Lorraine Looney  
Ron Page  
Dennis Standley  
Honor Liversidge  
Eamon Sammon  
Peter Sullivan  
Garry Astill

### **STAFF PRESENT:**

Leeanne Ryan	Acting General Manager (Acting GM)
Reece Wilson	Manager Technical and Engineering Services (MTES)
David Cuming	Acting Manager Corporate and Community Services (Acting MC&CS)
Adelaide Elliott	Executive Assistant (EA)

## SECTION 2. GRANTING OF LEAVE OF ABSENCE

Nil

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

*MOVED CLR LINNETT /CLR LOONEY*

*That Council suspend standing orders.*

*1-12-13 resolved*

*MOTION CARRIED*

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*Standing orders suspended at 9:11am*

Mr Bill Elliott addressed Council on the Better Boating Program noting that Wilcannia and Tilpa had received funding under this program for work on boat ramps. Mr Elliott queried whether this funding could be used to assist with the reconstruction of the Wilcannia Wharf. Mr Elliott also wished Council all the best for today in relation to the determination from the Minister re the Notice of Intention to Suspend Council.

Mr Paul Brown addressed Council in relation to the Business Papers and Minutes not being available on Council Website. EA advised that the Minutes of the December Meeting will be available on the website before Christmas.

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*Standing orders resumed at 9:20am*

*MOVED CLR SULLIVAN /CLR LINNETT*

*That Council resume standing orders.*

*2-12-13 resolved*

*MOTION CARRIED*

## SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

**MOVED CLR PAGE /CLR SULLIVAN**

*That the minutes of the Ordinary Meeting of the Council held on the 19th November 2013, copies of which were circulated to all Councillors, be taken as read and confirmed as a correct record of the proceedings of the meeting.*

*That the minutes of the Extraordinary Meeting of Council held on the 10th December 2013, copies of which were circulated to all Councillors, be taken as read and confirmed as a correct record of the proceedings of the meeting.*

**3-12-13 resolved**

**MOTION CARRIED**

### 4.1 BUSINESS ARISING FROM MINUTES

Nil

### 4.2 STATUS OF COUNCIL RESOLUTIONS - DECEMBER 2013

Not Available

## SECTION 5. MAYORAL MINUTES OR REPORT

**27<sup>th</sup> November 2013** - Mayor, Clr Linnett, MTES attended the Ivanhoe Works Committee meeting.

**28<sup>th</sup> November 2013** - Mayor, Clr Astill, Clr Page, Clr Looney, Acting GM, MTES attended the Menindee Works Committee meeting.

The Mayor whilst in Menindee met with the Principle of the Menindee Central School. To discuss matters concerning water drainage at the School and the School use of the swimming pool. The Mayor also had a meeting with subcommittee delegate Clr Looney at Menindee and Deputy Mayor Sullivan in Wilcannia regarding the General Managers recruitment.

**30<sup>th</sup> November 2013** - Mayor & Clr Liversidge attended the graduation of the volunteer ambulance officers in White Cliffs, and in the absence of Local Member John Williams the Mayor was honoured with the task of presenting their certificates. It was a great achievement to all concerned and now contributes as a mantle of safety for the Community and surrounding area.

**5<sup>th</sup> December 2013** - Mayor, Acting MC&CS travelled to Sydney to meet with the president of Local Government NSW Clr Keith Rhoades and Senior Staff from the Association to discuss financial problems that Council is experiencing before going on to meet with the Minister for Local Government the Hon Don Page.

At this meeting it was suggested that there be an Extraordinary Meeting of Council held as soon as possible to discuss a way forward to our financial crisis, hence the meeting that occurred on Tuesday 10<sup>th</sup> December 2013 and the arrival of the letter of Intent to Suspend Council being served during the lunch break. The letter of intent was tabled and presented to Councillors at the resumption of the meeting.

#### **Submission to the Department of Local Government**

The Mayor presented Council with a copy of the submission addressed to the Minister for Local Government in relation to the notice of intention to suspend Central Darling Shire Council.

The Mayor wished on behalf of Council to congratulate and join with me to thank our Acting GM and Staff for the preparation of the submission at such short notice.

***MOVED CLR PAGE/CLR LINNETT***

#### ***That Council;***

- 1. Resolves to endorse this report as it's submission in response to the Notice of Intention to Suspend Central Darling Shire Council Under Section 438I of The Local Government Act 1993 issued by the Minister for Local Government on Tuesday 10 December 2013.***
- 2. Requests the Minister not to proceed with the Suspension of Council and defer appointment of an interim Administrator.***
- 3. Requests the Minister to issue a Performance Improvement Order and appoint a Temporary Adviser to the Council.***
- 4. Within five working days of the end of each month commencing as from the end of January 2014, provides an updated copy of its weekly cash flow forecast to the Division of Local Government.***

*5. Convenes a meeting of Council for Tuesday 28 January 2014 to receive reports in relation to information requested on cost saving initiatives and a possible organisational restructure as resolved at the extraordinary Council meeting of 10 December 2013.*

*4-12-13 resolved*

**MOTION CARRIED**

## SECTION 6. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Nil

## SECTION 7. NOTICE OF MOTIONS

Nil

## SECTION 8. NOTICE OF RESCISSION MOTIONS

Nil

## SECTION 9. ACTING GENERAL MANAGER'S REPORT

**MOVED CLR SULLIVAN/ CLR LIVERSIDGE**

*That the Acting General Manager's report be dealt with.*

*5-12-13 resolved*

**MOTION CARRIED**

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*Clr Astill left the meeting at 9:36am returning at 9:45am*

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### 9.1 INFORMATION ITEMS



9.1.1 LOCAL LAND SERVICES BOARD

**MOVED CLR SULLIVAN /CLR PAGE**

*That a strongly worded submission be forwarded to IPART, Minister Katrina Hodgkinson and LGNSW, noting Council's disapproval of their proposed actions for Council to collect rates on their behalf.*

*6-12-13 resolved*

**MOTION CARRIED**

9.1.2 DROUGHT SUPPORT ASSISTANCE

9.1.3 NSW RURAL FIRE FIGHTING FUND-2014/14 ALLOCATIONS

**MOVED CLR LINNETT /CLR SULLIVAN**

*That a letter be sent to the Rural Fire Service regarding Councils Financial situation seeking reconsideration and reallocation of Council's funding to the RFS.*

*7-12-13 resolved*

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR LINNETT**

*That the Information Items report be received and noted*

*8-12-13 resolved*

**MOTION CARRIED**

9.2 DRAFT PUBLIC INTEREST DISCLOSURES ACT INTERNAL REPORTING POLICY

**MOVED CLR SULLIVAN /CLR ASTILL**

*That the Draft Public Interest Disclosures Act Internal Reporting Policy report be received, and further;*

*That council adopt the document titled Draft Public Interest Disclosures Act Internal Reporting Policy as the Council's Public Interest Disclosures Act Internal Reporting Policy.*

*9-12-13 resolved*

**MOTION CARRIED**

#### 9.3 MENINDEE GUN CLUB RESERVE

**MOVED CLR ASTILL /CLR STANDLEY**

*That the Menindee Gun Club Reserve report be received, and further;*

*That Council accept the Department of Trade and Investment, Crowns Land Division invitation to be interim trust manager of the Menindee Gun Club Reserve (known as Permissive Occupancy 64/2) located at Menindee on Lot 7361 DP1181166, and further;*

*That the trust be called the Menindee Gun Club Reserve Trust*

*10-12-13 resolved*

**MOTION CARRIED**

#### 9.4 KNOX AND DOWNS UPDATE

Clr Sammon noted that the Wilcannia Works Committee Meeting had not yet been convened.

**MOVED CLR SULLIVAN /CLR LIVERSIDGE**

*That the Knox and Downs Update report be received, and further;*

*That Mr Adrian Fethers be encouraged to continue pursuing clean-up of the Knox and Downs site.*

*11-12-13 resolved*

**MOTION CARRIED**

9.5 RDAF GRANTS

**MOVED CLR ASTILL /CLR SULLIVAN**

*That the RDAF Grants report be received, and further;*

*That Council write a letter to the Hon Warren Truss requesting that funding be granted to all successful council applications under RDAF Round 5.*

*12-12-13 resolved*

**MOTION CARRIED**

**SECTION 10. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT**

**MOVED CLR LIVERSIDGE/ CLR PAGE**

*That the Manager Technical and Engineering Services report be dealt with.*

*13-12-13 resolved*

**MOTION CARRIED**

10.1 INFORMATION ITEMS

10.1.1 GRADING PROGRAM

10.1.2 BARWON DARLING AND LACHLAN TOWN WATER SUPPLIES DROUGHT TELECONFERENCE

10.1.3 SCHOOL ZONE FLASHING LIGHT PROGRAM

**MOVED CLR SULLIVAN /CLR LINNETT**

*That the Information Items report be received and noted*

*14-12-13 resolved*

**MOTION CARRIED**

## 10.2 ROADS REPORT

**MOVED CLR ASTILL /CLR SULLIVAN**

***That the Roads Report be received and noted.***

***15-12-13 resolved***

**MOTION CARRIED**

**MOVED CLR SULLIVAN/CLR SULLIVAN**

***That the allocation of funds to the Works Committees be withdrawn; apart from the funds that have been allocated to projects that still require completion.***

***16-12-13 resolved***

**MOTION CARRIED**

| Clr Astill & Clr Page recorded against the Motion

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*Adjourned for Morning Tea 10:07am returning at 10:45am*

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## 10.3 SERVICES REPORT

**MOVED CLR SULLIVAN /CLR LINNETT**

***That the Services Report be received and noted.***

***17-12-13 resolved***

**MOTION CARRIED**

## 10.4 PROJECTS REPORT

**MOVED CLR SULLIVAN /CLR LINNETT**

***That the Projects Report be received and noted.***

***18-12-13 resolved***

***MOTION CARRIED***

**10.5 SEALING CONTRACT AND CONTRACT PLANT HIRE**

***MOVED CLR SULLIVAN /CLR LINNETT***

***That Council resolves to call open tenders with respect to the Sealing Contract and Plant Hire Contract pursuant to Clause 166 of the Local Government Regulation.***

***19-12-13 resolved***

***MOTION CARRIED***

**10.6 WILCANNIA WATER SUPPLY & SEWERAGE AUGEMENTATION (2012) - CIVIL WORKS TENDER AUTHORISATION - DECEMBER 2013**

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*Clr Sammon declared a pecuniary interest and left the meeting 10:50am*

---

***MOVED CLR ASTILL /CLR LOONEY***

***That Council resolves to call open tenders with respect to the Wilcannia Water Supply and Sewerage Augmentation (2012) – Civil Works pursuant to Clause 166 of the Local Government Regulation.***

***20-12-13 resolved***

***MOTION CARRIED***

---

*Clr Sammon returned to the meeting at 10:52am*

---

**SECTION 11. MANAGER ENVIRONMENTAL SERVICES REPORT**

***MOVED CLR SULLIVAN / CLR LOONEY***

***That the Manager Environmental Services report be dealt with.***

***21-12-13 resolved***

***MOTION CARRIED***

## 11.1 INFORMATION ITEM

### 11.1.1 SEXI PROJECT

Clr Astill advised the meeting that he and Clr Page attended a workshop at Lake Cargelligo in relation to this project, and there will be further discussion in the New Year. Clr Astill was disappointed with the lack of attendance from other Councils within the Western Division.

### 11.1.2 SWIMMING POOL LIFEGUARD UPDATE

***MOVED CLR SULLIVAN /CLR LINNETT***

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

***22-12-13 resolved***

***MOTION CARRIED***

## 11.2 ENVIRONMENTAL SERVICES STATISTICS

***MOVED CLR SULLIVAN /CLR LINNETT***

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

***23-12-13 resolved***

***MOTION CARRIED***

## 11.3 ROAD GAZETTAL PROCESS – WHITE CLIFFS

***MOVED CLR SULLIVAN /CLR LIVERSDIGE***

***That the Road Gazettal Process – White Cliffs report be received and noted.***

***24-12-13 resolved***

***MOTION CARRIED***

## 11.4 DEVELOPMENT APPLICATIONS

***MOVED CLR SULLIVAN / CLR LINNETT***

***That the Development Applications report be received and noted.***

***25-12-13 resolved***

**MOTION CARRIED**

11.5 PUBLIC RESERVES MANAGEMENT FUND

**MOVED CLR ASTILL/ CLR LIVERSIDGE**

*That the Public Reserves Management Fund report be received, and further;*

*That Council accepts the funding offered, and notifies Department of Trade and Investment.*

*26-12-13 resolved*

**MOTION CARRIED**

---

*Clr Sammon left the meeting at 10:59am returning at 11:01am*

---

**SECTION 12. FINANCE MANAGER'S REPORT**

**MOVED CLR SULLIVAN/ CLR ASTILL**

*That the Finance Manager's report be dealt with.*

*27-12-13 resolved*

**MOTION CARRIED**

12.1 INVESTMENTS AND BANK BALANCES

**MOVED CLR SULLIVAN /CLR LINNETT**

*That the Schedule of Investments Report for the 30<sup>th</sup> November 2013 be received and adopted.*

*28-12-13 resolved*

**MOTION CARRIED**

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*Clr Astill left the meeting at 11:03am returning at 11:09am*

---

## 12.2 RATES REPORT

***MOVED CLR SAMMON /CLR LINNETT***

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

***29-12-13 resolved***

***MOTION CARRIED***

## 12.2 AUDITORS REPORT

***MOVED CLR PAGE /CLR LINNETT***

***That the Draft Auditors Report be received and noted.***

***30-12-13 resolved***

***MOTION CARRIED***

## SECTION 13. CORRESPONDENCE

***MOVED CLR SULLIVAN /CLR PAGE***

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

***31-12-13 resolved***

***MOTION CARRIED***

## 13.1 MEDIA RELEASES

## 13.2 CIRCULARS/NEWSLETTERS

## SECTION 14. THE RECEIPT OF REPORTS FROM COMMITTEES

**Nil**



## SECTION 15. DELEGATES' REPORTS

### DELEGATES REPORT - CR. CLIVE LINNETT

#### WESTERN LANDS MEETING 21-11-13

Cobar Mayor Lilliane Brady welcomed everyone to Cobar for the Western Lands Advisory Council meeting. Representative groups in attendance were Western Lands Commissioner & Deputy, Dept of Primary Industry, Parks & Wildlife Group, CMA, Aboriginal Groups, Minerals & Energy, Independent Leases, NSW Farmers, Western Division Shires & West Darling Pastoralists Association.

Some of the agenda items that were debated and presented by speakers were:

Surface Water Rights in the Western Division, Study on Total Grazing Pressures and Carbon Sequestration Potential, Paper on Weed Management in NSW, Agricultural opportunities for irrigation following the new Darling-Barwon Water Sharing Plan, Western Division Range Condition Assessment, Drought conditions & Wild Dog Barrier Fence annual inspection.

One of the main topics on the agenda was the seasonal conditions deteriorating and the announcement of the Drought Support Package announced last week for the Northern Shires of Bourke, Brewarrina, Walgett & Coonamble.

- The Advisory Council will be making representation to the Minister for Primary Industries to have the Unincorporated area and Central Darling Shire to be included in the Drought Support Package. In the north & west of these two areas it is feed & water shortage for livestock and in the south it is mainly water, although grass coverage is deteriorating fast.
- Central Darling Shire will also be sending a draft letter to the Minister for the inclusion of the whole shire.

The Support Package for the three Northern Shire announcement includes Transport Assistance Reimbursement, Emergency Water Infrastructure, Grants, Rural Support Worker Program, waiver of Western Lands Lease payments and Wild Dog Destruction Board Rates for 12 months and deferral of Livestock, Health and Pest Authority Rates dated back to July 1st, 2013.

Member for Murray Darling John Williams announced the appointment of the new Board Members for the Western, Riverina and Murray Local Land Services last Thursday.

The Government appointed Board Members for the Western LLS are Marie Russell (Cobar), Ben Barlow (Booligal), Justine McClure (Tilpa) & Jim Maynard (Euston) joining Tom Hynes (Broken Hill) who is the Western LLS Chairman.

An additional four elected Board Members will join Government Board Members following elections set to take place in the first quarter of 2014.

***MOVED CLR SULLIVAN/CLR ASTILL***

***That the Delegates' reports be received and noted.***

*32-12-13 resolved*

**MOTION CARRIED**

**SECTION 16. QUESTIONS WITH NOTICE**

Nil

**SECTION 17. URGENT BUSINESS**

Clr Sammon queried how many full time employees work at the Wilcannia Post Office. Acting GM noted that one employee had transferred across from another department and the other employee was a temporary appointment.

Clr Sullivan requested a review of Councils policies in relation to motor vehicles in particular private use and requested further information on other Councils policies.

The Mayor requested a review of the Councils policies in relation to Australia Day awards.

**SECTION 18. CONFIDENTIAL MEETING**

**CLOSED COUNCIL**

**Confidential Reports**

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

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

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

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would , if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or

- (ii) confer a commercial advantage on a competitor of the Council, or
- (iii) reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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

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

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in a open meeting would, on balance, be contrary to the public interest.

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

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

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

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

## **Reports to be Considered in Closed Council**

**MOVED CLR ASTILL/ CLR LIVERSIDGE**

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

*33-12-13 resolved*

**MOTION CARRIED**

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Council went into Closed Session of Council at 11:25am

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### 18.2 AUSTRALIA DAY AWARDS

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*Acting GM declared a conflict of interest in the nominations for White Cliffs.*

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**MOVED CLR SULLIVAN /CLR ASTILL**

*That the Australia Day awards be awarded to various recipients as nominated by the community and confirmed by Council; and the recipients will be notified within a appropriate time before Australia Day*

*34-12-13 resolved*

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR PAGE**

*That Council move back into Open Council.*

*35-12-13 resolved*

**MOTION CARRIED**

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Council resumed in open session at 11:41am

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**MOVED CLR SULLIVAN /CLR LIVERSIDGE**

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

*36-12-13 resolved*

***MOTION CARRIED***

**SECTION 19. DATE AND VENUE FOR NEXT MEETING**

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*The next meeting of Council will be held on the 18<sup>th</sup> February 2014 in Wilcannia at 9:00am.*

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*There being no further business, Council meeting concluded at 11:46am*

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