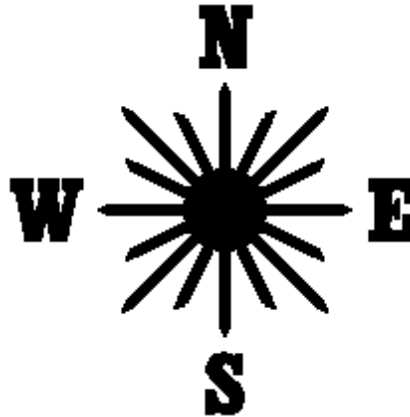


Mission Statement

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 16th July 2013

at

Sunset Strip

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 above-mentioned Meeting of Council will be held in the Community Hall, Sunset Strip on Tuesday 16th July 2013 commencing at 9:47am.

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SECTION 1. RECEIPT OF APOLOGIES AND THE GRANTING OF LEAVE OF ABSENCE

PRESENT:

Councillors:

Ray Longfellow

Clive Linnett

Lorraine Looney

Ron Page

Dennis Standley

Garry Astill

Honor Liversidge

ABSENT:

Eamon Sammon

Peter Sullivan

ALSO PRESENT:

Leeanne Ryan

Acting General Manager

Reece Wilson

Manager Technical and Engineering Services

David Cuming

Acting Manager Corporate and Community Services

Adelaide Elliott

Executive Assistant

MOTION CARRIED

MOVED CLR LINNETT / CLR STANDLEY

1-07-13 resolved

That the apologies be received and noted and leave of absence be granted.

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

Nil

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

2-07-13 resolved

That the minutes of the Ordinary Meeting of the Council held on the 27th June 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.

3.1 BUSINESS ARISING FROM MINUTES

Nil

3.2 STATUS OF COUNCIL RESOLUTIONS – JULY 2013

MOTION CARRIED

MOVED CLR LINNETT /CLR LIVERSIDGE

3-07-13 resolved

That the Status of Council Resolutions be received and noted.

SECTION 4. MAYORAL MINUTES OR REPORT

11th July 2013 – Mayor, Acting General Manager, Manager Technical and Engineering Services, Manager Corporate and Community Services, Inspections Officer and Projects Engineer attended a meeting in Wilcannia with Ray Roberts from Cristal Mining.

Discussion took place regarding the progression of a roads maintenance agreement for MR67 between Council and Cristal mining.

MOTION CARRIED

MOVED CLR LONGFELLOW/CLR LINNETT

4-07-13 resolved

That the Mayoral Report be received and noted.

SECTION 5. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Cr Standley - Declared a Non Pecuniary Interest in Item 10.4 relating to Sunset Strip Waste Depot.

MOTION CARRIED

MOVED CLR STANDLEY /CLR LOONEY

5-07-13 resolved

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

SECTION 6. NOTICE OF MOTIONS

Nil

SECTION 7. NOTICE OF RESCISSION MOTIONS

Nil

SECTION 8. ACTING GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR LIVERSIDGE

6-07-13 resolved

That the Acting General Manager's Report be dealt with.

8.1 INFORMATION ITEMS

8.1.1 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

8.1.2 FUNDING OPPORTUNITIES

Discussion took place on the RDAF Round 5 funding of \$227,062 and how it might be spent and allocated across communities in the Shire.

Clr Astill requested that \$200,000 be used to upgrade playgrounds throughout the Shire with Clr Page suggesting it be used to put extra equipment in the playgrounds.

Clr Looney requested funding be allocated to provide for the installation of a concrete floor in the new Menindee Multipurpose Centre.

Clr Astill further suggested \$50,000 be allocated to each community for purposes to be determined by each community.

Acting GM advised the Council the funding application had to be lodged by Monday 22 July 2013, leaving little time to allow discussion across communities.

A motion was moved that \$40,000 be allocated to the four towns being Wilcannia, Menindee, White Cliffs and Ivanhoe, with \$20,000 being allocated to the villages of Sunset Strip and Tilpa and the remainder of the funding being split between the localities of Copi Hollow and Darnick.

MOTION CARRIED

MOVED CLR LINNETT /CLR STANDLEY

7-07-13 resolved

That \$40,000 be allocated to Wilcannia, Menindee, Ivanhoe and White Cliffs; \$20,000 each for the villages of Tilpa and Sunset Strip; and \$13,531 each to Darnick and Copi Hollow.

8.1.3 INQUIRY – MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LAND

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

8-07-13 resolved

That the Information Items report be received and noted.

8.2 DRAFT WORK HEALTH & SAFETY POLICY

MOTION CARRIED

MOVED CLR LOONEY /CLR STANDLEY

9-07-13 resolved

That the Draft Work Health & Safety Policy be received and noted; and further

That the Draft Work Health & Safety Policy be placed on public exhibition for 28 days and a report be presented to Council after this period.

8.3 LGNSW CONFERENCE

The Mayor called for nominations for a councillor from each ward to attend the Conference

Clr Liversidge nominated Clr Sullivan for Ward A

Clr Linnett nominated Clr Standley for Ward B

Clr Astill was nominated for Ward C

MOTION CARRIED

MOVED CLR LOONEY /CLR LIVERSIDGE

10-07-13 resolved

That the LGNSW Annual Conference report be received and noted, and further;

That Council approve the following delegates to attend the LGNSW Annual Conference - Mayor, Clr Sullivan, Clr Standley, Clr Astill and the Acting General Manager.

That costs associated with the attendance of Councillors be paid in accordance with the policy of Payment of Expenses and Provision of Facilities to Councillors.

8.4 SES – REAPPOINTMENT OF VOLUNTEER CONTROLLERS

MOTION CARRIED

MOVED CLR LINNETT /CLR STANDLEY

11-07-13 resolved

That the SES Reappointment of Volunteer Controllers report be received and noted; and further,

*That Council support the reappointment of the following Volunteer Unit Controllers and advise the SES Region Controller accordingly;
Wilcannia – Mr Eric Nitschke, White Cliffs – Mr Graham Wellings,
Ivanhoe – Mr Ron Maiden.*

8.5 MURRAY DARLING ASSOCIATION NATIONAL CONFERENCE

MOTION CARRIED

MOVED CLR ASTILL /CLR LIVERSIDGE

12-07-13 resolved

That the Murray Darling Association National Conference report be received and noted, and further;

*That Council approve the following delegates to attend the Conference –
Mayor, Cr Linnett, Cr Page.*

That costs associated with the attendance of Councillors be paid in accordance with the policy of Payment of Expenses and Provision of Facilities to Councillors.

8.6 INTERNAL AUDIT COMMITTEE

Discussions took place during which it was commented that establishment of an Internal Audit Committee whilst desirable, was not a formal requirement of the Division of Local Government. Due to limited funds being available no provision for the cost of running the committee had been included in the current year's budget.

Comments were made regarding the cost vs. the benefits of having an internal audit function in small councils.

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

13-07-13 resolved

That the Internal Audit Committee be suspended until such time Council deems it necessary to be reinstated.

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR LOONEY /CLR LIVERSIDGE

14-07-13 resolved

That the Manager Technical and Engineering Services Report be dealt with

9.1 INFORMATION ITEMS

9.1.1 GRADING PROGRAM

The MTES brought to Councils attention a funding gap in relation to local roads maintenance expenditure between funds allocated in the current budget and funds required as determined under councils previously adopted Roads Hierarchy Strategy.

It was pointed out that in general terms grading on local roads would be unable to be carried out in accordance with recommended frequencies, in some cases there could be a gap of up to two years between grading.

The MTES also foreshadowed a likely increase in complaints from dissatisfied rural ratepayers.

9.1.2 WARRAWONG WATER CONNECTION

9.1.3 SH21 COBB HIGHWAY CONSTRUCTION WORKS

9.1.4 ABORIGINAL COMMUNITIES WATER AND SEWER PROGRAM

MOTION CARRIED

MOVED CLR STANDLEY /CLR LIVERSIDGE

15-07-13 resolved

That the Information Items report be received and noted.

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

16-07-13 resolved

That future maintenance grading of local roads will be at the discretion of the Engineering Department.

9.2 ROADS REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

17-07-13 resolved

That the Roads Report be received and noted.

9.3 SERVICES REPORT

Clr Looney advised the toilets at Burke & Wills Park were in need of painting.
Acting GM advised she would take the matter on notice.

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

18-07-13 resolved

That the Services Report be received and noted.

9.4 PROJECTS REPORT

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

19-07-13 resolved

That the Projects Report be received and noted.

Meeting adjourned for Morning Tea at 10:38am, resuming at 11:18am

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

MOTION CARRIED

MOVED CLR PAGE /CLR LIVERSIDGE

20-07-13 resolved

That the Manager Environmental Services Report be dealt with

10.1 INFORMATION ITEM

10.1.1 WILCANNIA POST OFFICE

MOTION CARRIED

MOVED CLR PAGE /CLR LIVERSIDGE

21-07-13 resolved

That the Information Item report be received and noted.

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR JUNE 2013

Cr Astill queried dog registrations numbers and whether Council could work in with RSPCA to boost dog registration numbers. Acting GM advised she would take the matter on notice.

MOTION CARRIED

MOVED CLR LIVERSIDGE/CLR LOONEY

22-07-13 resolved

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

10.3 HERITAGE STRATEGY 2013-2016

Cr Astill requested the Old Menindee Wharf be investigated under the heritage strategy as to whether design can be done for it to be rebuilt. Acting GM advised she would take the matter on notice.

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

23-07-13 resolved

That the Heritage Strategy 2013-2016 report be received and noted, and further;

That Council adopt the Heritage Strategy 2013-2016 as attached to this report.

10.4 SUNSET STRIP WASTE DEPOT

Clr Standley declared a non-pecuniary interest and left the meeting at 11:21am returning at 11:25am.

It was suggested by Clrs that training be organised regarding Conflicts of Interest in relation to pecuniary and non-pecuniary interests.

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

24-07-13 resolved

That the Sunset Strip Waste Depot report be received and noted, and further;

That Council request the Sunset Strip Progress Association provide a written proposal advising services to be provided at the Sunset Strip Waste Depot.

That Council seeks advice from Statewide regarding any insurance and risk requirements that maybe required if the Association takes over the day to day maintenance of the waste depot.

That a further report to Council be provided once the abovementioned information has been obtained.

SECTION 11. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR LIVERSIDGE/ CLR LINNETT

25-07-13 resolved

That the Finance Managers Report be dealt with

11.1 INVESTMENTS AND BANK BALANCES

MOTION CARRIED

MOVED CLR LOONEY /CLR LINNETT

26-07-13 resolved

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

11.2 END OF YEAR RATES REPORT 2013

Cr Looney thanked staff for the preparing this report and summary.

MOTION CARRIED

MOVED CLR ASTILL / CLR LOONEY

27-07-13 resolved

That the End of Year Rates Report 2013 be received and noted, and further:

That a report be submitted to Council on the process involved for sale of land for unpaid rates and a draft listing of properties for inclusion in the sale be provided for Council's approval.

That the above report be prepared for the meeting of Council in October 2013.

Clr Page left the meeting at 11:29am returning 11:32am

11.3 ROAD NAMING REPORT NUMBER ONE - MONOLON/REOLA ROAD

Cr Astill commended staff for this report.

MOTION CARRIED

MOVED CLR ASTILL / CLR LIVERSIDGE

28-07-13 resolved

That the Road Naming Report Number One – Monolon/Reola Road be received and noted, and further;

That Council continue with the process of gazetting the stretch of road running north from White Cliffs towards the Cut Line as Monolon Road, and

That Council advise NSW Trade and Investment (the road naming authority in the Unincorporated Area) of this decision, and

That Council respond accordingly to Submission One clearly setting out the reasons why the submission was not acted on.

11.4 ROAD NAMING REPORT NUMBER TWO – EXTENSION OF POONCARIE ROAD, MENINDEE

Cr Looney advised she was pleased with this report and progress made to date on road naming particularly along the Pooncarie Road.

MOTION CARRIED

MOVED CLR LOONEY / CLR ASTILL

29-07-13 resolved

That the Road Naming Report Number Two – Extension of Pooncarie Road, Menindee be received and noted.

SECTION 12. CORRESPONDENCE

MOTION CARRIED

MOVED CLR LINNETT / CLR STANDLEY

30-07-13 resolved

That the Correspondence for Council be received and noted.

MOTION CARRIED

MOVED CLR ASTILL / CLR LINNETT

31-07-13 resolved

That a letter be sent to John Williams MP regarding the Sport and Recreation Grant Funding advising that a fairer application submission system needs to be developed.

12.1 MEDIA RELEASES

12.2 CIRCULARS/NEWSLETTERS

SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

The Mayor noted he had been contacted by 2WEB and they will be endeavouring to contact Council more regularly for news stories and updates.

MOTION CARRIED

MOVED CLR ASTILL / CLR LIVERSIDGE

32-07-13 resolved

That the MANEX Meeting Minutes dated Wednesday 26th June 2013 be received and noted.

MOTION CARRIED

MOVED CLR LINNETT / CLR ASTILL

33-07-13 resolved

That the Wilcannia Cemetery Committee Meeting Minutes dated Saturday 29th June 2013 be received and noted.

SECTION 14. DELEGATES' REPORTS

Clr Looney raised the Menindee Fishing Challenge and noted it is being advertised but there doesn't seem to be any delegates report. Cr Astill will bring a delegates report back to the next meeting of Council.

Cr Looney advised the Council that she had lodged her own personal submission to the Independent Review Panel.

Cr Linnett raised the matter of changes to the State electoral boundaries.

Clr Liversidge advised there was a meeting yesterday regarding the Ambulance Driver Training in White Cliffs. Thirteen applications from White Cliffs have been received and the course will take place on 3rd and 4th August 2013.

MOTION CARRIED

MOVED CLR ASTILL/ CLR LIVERSIDGE

34-07-13 resolved

That the Delegates' reports be received and noted.

SECTION 15. QUESTIONS WITH NOTICE

Nil

SECTION 16. URGENT BUSINESS

Clr Standley, at a previous meeting of Council, had referred to drainage problems in Sunset Strip streets on which to date, no action has appeared to have been taken.

The AGM undertook to follow up the matter with MTES and advise Clr Standley of the outcome.

MOTION CARRIED

MOVED CLR LOONEY/ CLR LIVERSIDGE

35-07-13 resolved

That urgent business be dealt with

SECTION 17. 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

MOTION CARRIED

MOVED CLR LINNETT / CLR LIVERSIDGE

36-07-13 resolved

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

Council went into Closed Session of Council at 11:46am

17.1 STAFF ISSUE

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

MOTION CARRIED

MOVED CLR ASTILL / CLR LINNETT

37-07-13 resolved

That the Staff Issues report be received and noted, and further;

That Council follows the advice provided by LGNSW, and payment of accumulated sick leave does not occur unless proven otherwise that it must be paid.

MOTION CARRIED

MOVED CLR LINNETT /CLR STANDLEY

38-07-13 resolved

That Council suspend standing orders

Standing orders suspended at 11:49am

The Mayor welcomed Susan Ley MP to the meeting who expressed her thanks for the invitation.

Susan Ley MP addressed Council regarding issues that are affecting the Far West of NSW in particular Central Darling Shire. Some of the matters raised included the proposed restructure of local government as per the recommendations of the Independent Panel Review, the delivery of the NBN, changes to health reforms, regional development projects and lack of funding for future projects.

Clr Page spoke about lack housing for the elderly and lack of training for school leavers, bringing these matters to the attention of Sussan Ley MP. Cr Linnett queried whether Ms Ley had any information on future drought policies, she had no information she could provide. Cr Astill raised the matter of digital TV, and the lack of properties connected in Menindee, and if the technicians would be returning to undertake further connections. Sussan Ley MP advised she would follow up on this matter.

Further discussion occurred regarding the NBN, Sussan Ley MP advised she would have a delegate from the NBN address Council in the near future. She also queried whether there any black spots within Central Darling that do not have mobile phone coverage. Clrs supplied a number of localities that required attention.

Clr Astill left the meeting at 12:20pm returning at 12:25pm

MOTION CARRIED

MOVED CLR / CLR

39-07-13 resolved

That Council resume standing orders.

Standing orders resumed at 1:20m

Meeting adjourned for lunch 12:45pm, resuming at 1:22pm

17.2 COMMUNITY HEALTH BUS SERVICES CONTRACT 2013-2015

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

MOTION CARRIED

MOVED CLR LINNETT / CLR LIVERSIDGE

40-07-13 resolved

That Council:

1 Accepts the proposal from Transport for NSW for the funded provision of two buses for the Wilcannia and Menindee services to Broken Hill.

2. Enters into a contract with Transport for NSW for the provision of health bus services for the period 1 July 2013 to 30 June 2015.

| Clr Astill records against the motion.

Clr Standley left the meeting at 1:30pm returning at 1:31pm

17.3 ATLAS CAMPASPE MINERAL SANDS PROJECT – EIS

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

MOTION CARRIED

MOVED CLR PAGE / CLR ASTILL

41-07-13 resolved

That Item 17.3 be deferred

17.4 WILCANNIA POST OFFICE

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

The Mayor gave a verbal report on a situation that has arisen in relation to the Wilcannia Post Office.

MOTION CARRIED

MOVED CLR ASTILL/ CLR LINNETT

42-07-13 resolved

That the Acting General Manager continue to investigate the situation and bring a further report back to Council.

MOTION CARRIED

MOVED CLR PAGE /CLR LIVERSIDGE

43-07-13 resolved

That Council move back into Open Council.

Council resumed in open session at 1:46PM

MOTION CARRIED

MOVED CLR ASTILL /CLR LIVERSIDGE

44-07-13 resolved

That all decisions passed in Closed Council be made public.

SECTION 18. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 20th August 2013 in Ivanhoe commencing at 9:30am.

There being no further business, Council meeting concluded at 1:46PM
