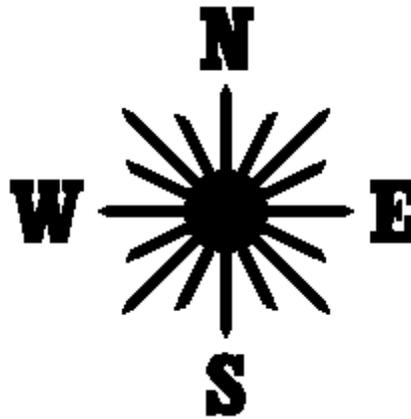


## Mission Statement

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

Friday 20<sup>th</sup> June 2014 at

In the Council Chambers

Wilcannia

**Council dedicated to serving its Communities**

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

The Ordinary Meeting of Council was held in the Council Chambers, Wilcannia on Friday 20<sup>th</sup> June 2014 commenced at 9:06am.

Prior to the Commencement of the Meeting on Citizenship Ceremony was conducted.

## ORDER OF BUSINESS

SECTION 1. ATTENDANCE .....	4
SECTION 2. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY .....	4
SECTION 3. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC .....	4
SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	4
4.1 BUSINESS ARISING FROM MINUTES .....	5
SECTION 5. ADMINISTRATOR MINUTE REPORT .....	5
SECTION 6. DETERMINATION REPORTS.....	7
6.1 ALCOHOL FREE ZONE- WILCANNIA .....	7
6.2 OPERATIONAL PLAN 2014/15.....	7
ADDITIONAL INFORMATION REPORT .....	7
6.3 DELIVERY PROGRAM REVIEW .....	14
6.4 DELEGATIONS TO THE POSITION OF GENERAL MANAGER.....	14
6.5 COUNCIL MEETING JULY 2014 .....	14
6.6 SES – APPOINTMENT OF VOLUNTEER CONTROLLERS.....	15
6.7 WHITE CLIFFS SOLAR POWER STATION.....	15
6.8 COMMUNITY TRANSPORT SERVICE ARRANGEMENTS/ CONTRACT .....	15
6.9 ALCOHOL FREE ZONE – MENINDEE AND IVANHOE .....	16
6.10 MODEL REPORT ON S88 WASTE AND ENVIRONMENT LEVY OPTIONS PAPER.....	16
6.11 THE NSW LIVESTOCK LOADING SCHEME (LLS).....	16
6.12 RATES OUTSTANDING ANALYSIS .....	16
6.13 RATES WRITE-OFF ASSESSMENT 1367 .....	17
SECTION 7. INFORMATION REPORTS.....	17
7.1 INFORMATION ITEMS.....	17
7.1.1 ENVIRONMENTAL SERVICES STATISTICS .....	17
7.1.2 ROAD GRADING PROGRAM .....	17
7.1.3 ROADS REPORT.....	17

7.1.5 SERVICES REPORT .....	17
7.1.6 INVESTMENTS AND BANK BALANCES.....	17
7.1.7 RATES REPORT .....	17
8.0 MEDIA RELEASES .....	17
8.1 CIRCULARS/NEWSLETTERS .....	17
SECTION 8.2 THE RECEIPT OF REPORTS FROM COMMITTEES.....	18
SECTION 9. URGENT BUSINESS.....	18
SECTION 10. CONFIDENTIAL MEETING.....	18
10.1 RATES WRITE-OFF .....	20
10.2 PURCHASE OF 9 BYRNES STREET, WILCANNIA.....	20
SECTION 11. DATE AND VENUE FOR NEXT MEETING .....	21

## SECTION 1. ATTENDANCE

### PRESENT:

Greg Wright – Interim Administrator

### ALSO PRESENT:

Brian Wilkinson	Acting General Manager
Jacob Philp	Acting Director Business Services
Adelaide Elliott	Executive Assistant

Prior to commencing to the Meeting Agenda the Administrator advised those present of the advice received on 19 June 2014 regarding the ongoing suspension of Councillors and the NSW Government intent to hold a public inquiry.

## SECTION 2. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

None

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

Nil

## SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

***1-06-14***

***That the minutes of the Ordinary Meeting of the Council held on the 20th May 2014, be taken as read and confirmed as a correct record of the proceedings of the meeting.***

***Resolved***

## 4.1 BUSINESS ARISING FROM MINUTES

None

## SECTION 5. ADMINISTRATOR MINUTE REPORT

### **Conclusion of Suspension**

The Council meeting today represents the last day of my period as Administrator of Central Darling Shire Council. The suspended councillors are due to return to office on Monday 23 June 2014.

Despite the complexities and challenges of returning the Council to some form of sustainability, and its distance from my normal home base, I have enjoyed my time working for the Shire and striving to improve its financial situation.

I would particularly like to thank the staff of the Council who have committed to the change process with good grace and enthusiasm in most cases. My interaction with a number of the suspended councillors has been cordial and respectful and I thank them for that. Similarly, my interactions with many residents of the Shire has always been productive and helpful and, for that, I am also grateful.

The interim General Manager, Brian Wilkinson, has been a major contributor to the work of getting the Council back on track. Brian is a pragmatic and experienced General Manager who has built respectful relationships with all who have a role to play in the Council's recovery. I am deeply grateful for his decision to accept the challenge and come out to Wilcannia to assist in the process. Brian also completes his time with the Shire today.

At the conclusion of today's Council meeting I have invited the suspended councillors to a private briefing to bring them up to date with the actions undertaken during the suspension period as well as the work still required to be completed. That briefing will also be attended by representatives of the Office of Local Government.

### **Recruitment of a Permanent General Manager**

Interviews for the position of permanent General Manager were conducted on 20 May 2014 and one candidate was selected as the "preferred candidate". That candidate was then subject to extensive background, reference and personal testing to ensure that he was an appropriate person to undertake the position. These "hurdles" are quite normal these days and do not reflect on the candidate adversely at all. They do, however, take some time to complete.

At the time of writing, those checks had not been able to be completed however I am hopeful that by the time of the Council meeting I will be in a position to make an announcement.

### **Achievements During the Period of Suspension**

It is not my intention to boast – and I can certainly not accept much of the credit – however the Shire Council is in a much better financial position now than it was in December 2013. Perhaps the single biggest indicator is that the cash flow forecast (made in December 2013) for the month of May 2014 showed a negative cash position of \$3.1 million. In reality, in May, the overdraft was at an average of -\$200,000 and in fact was positive for a few days. This is a significant turnaround. The real challenge will be to rid the Council of its overdraft dependence and re-establish cash funded operations, reserves and working capital. This will require surplus budgeting for the next few years at least.

Other improvements include;

- A new organisational structure providing improved focus has been adopted
- The first quarterly review in two years was reported to Council in May 2014
- A balanced and realistic 2014/2015 budget has been exhibited and should be adopted at this meeting
- Substantial progress has been made in rebuilding governance and financial systems
- The staff establishment has been reduced from 67 to 60 through natural attrition
- Improved financial controls have been implemented and service levels have been reviewed
- Outsourcing and resource sharing opportunities are being explored

#### **Central Darling Shire Council Recovery Plan 2014**

Part of my brief, as Administrator, has been to leave behind a detailed plan for the continuation of the work that I have commenced. First three months, and then six months have flown past and I have not been able to complete as much as I would have liked. That is partly as a result of the extremely optimistic targets that I set myself but largely as a result of the poor records and information previously retained by the Council's systems. In particular it has taken some time to build financial data and information in which we could have some confidence and on which we could rely. Mr Jeff Foster has been an asset in that respect.

As a result, the Recovery Plan has many more elements still to be implemented than I would have liked. Nevertheless, it contains some direction for the returning Council and the new General Manager in continuing the work of the past six months. It is vitally important that the new and returning regime work with commitment, rigour and discipline to implement the Plan. The risk of failing to adhere to the plan is the ultimate failure of the Council itself and the implications, to the community, could be dire.

I have submitted my Recovery Plan to the Minister as part of the statutory s.438N report that I am obliged to provide as a term of my administration. It contains about thirty specific High Priority Requirements to be implemented in addition to a number of other recommendations that I believe the Council should consider. It will, no doubt, be made publicly available in due course by the Minister and the Office of Local Government.

#### **Finally . . .**

I extend my very best wishes to all of those working to maintain and improve the quality of life of the citizens of the Central Darling Shire - staff, Councillors, community groups and citizens alike. I have become fond of the people of the district, the landscape and its institutions. I hope that the future is everything that you would wish it to be.

**2-06-14**

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

#### ***Resolved***

The Administrator advised the meeting that Reece Wilson would be Acting General Manager until further notice. Further information on the recruitment of a General Manager should be known next week.

## SECTION 6. DETERMINATION REPORTS

### 6.1 ALCOHOL FREE ZONE- WILCANNIA

**3-06-14**

*That Council approve the designation of an Alcohol Free Zone in Wilcannia that includes all made and maintained public roads and footpaths for the period 26 August 2014 to 25 August 2018.*

**Resolved**

### 6.2 OPERATIONAL PLAN 2014/15

The following additional information was reported to and considered at the meeting; "Additional Report"

#### ADDITIONAL INFORMATION REPORT

As indicated in the initial report to council (distributed with the meeting agenda) the closing date for receipt of public submissions in respect of the Operational Plan 2014/15 was 18 June 2014. The following is information in respect to public submissions received after the preparation of the initial agenda (and need to be considered in conjunction with adoption of the final Operational Plan):

- **Sunset Strip Progress Association (SSPA);** the submission from SSPA raises a number of matters relating to the previous decisions of council and funding needs/ expectations of the Sunset Strip community. A petition form requesting council to review decisions in relation to the Operational Plan affecting the community of Sunset Strip forms part of the submission. The petition states that the budget has been determined in a discriminatory approach that does not provide a fair share to Sunset Strip. The issues raised (and comments relating to same) are summarised as follows:
  - an alternative option of a differential rate for Sunset Strip as limited funds are allocated by council to that area and in view of the fact that SSPA Inc undertake a range of council functions for the community. **The implementation of a differential rate in any location would need to be modelled/ considered/ included as part of the public exhibition process of councils' operational plan; accordingly, it cannot be implemented for 2014/15.**
  - SSPA have requested (as part of LG Independent Panel Review) that the CDSC boundary be amended to place Sunset Strip into the unincorporated area. **This is not an issue that council can deal with as part of the Operational Plan.**

- Discrimination by council highlighted by “the artificial creation of town and village statuses by CDSC to justify their spending. Councillors are drawn from these towns and this formula ensures their communities receive the bulk of the funding but pay the least rates.” It is stated that Sunset Strip contributes 25% of the rate base and also refers to the proposed capital funding distribution in the proposed budget. **The current operational plan has been prepared whilst an Acting General Manager and an Administrator (who have no affiliation within any community location in the CDSC area) have been in place. The preparation of the operational plan has been based on known information, the judgement of needs and available finances. In preparing planning processes it is up to respective councils to cater for their whole areas with the actual allocation of funds likely to vary between different locations from year to year. Information provided by councils’ Revenue Officer on 13 June 2014 indicates that there are 135 property assessments at Sunset Strip (1445 in CDSC), which is estimated to yield in the order of \$76,000 for rates in 2014 (out of \$721,000 across the council area). On that basis Sunset Strip represents 9.5% ratepayers contributing 10.5% of rate income for council. As has been indicated in the correspondence from SSPA the land valuation of properties at Sunset Strip would contribute to that circumstance. Differing land valuations have an impact in local government areas across NSW and is not a discriminatory act but rather compliance with legislative requirements.**
- Reference is made to a decision by council in March 2013 which resolved “ that Sunset Strip township be allocated \$25,000 this year and each year there after through the Sunset Strip Works funding, to be sourced from the local roads component of the Financial Assistance Grants.” **Research on this matter indicates that the decision of council in March 2013 regarding Sunset Strip was made in conjunction with the receipt and notation of a Roads Report (which referenced town improvement program funding previously allocated across the council area) i.e. there was no report identifying the issues and rationale for the decision. As is the case with any council decision they are not binding forever, however changes to such a decision should be communicated to those concerned. Council records indicate a payment was made to Sunset Strip for the 2012/13 year in line with the council resolution. No reference has been identified to any specific allocation for that purpose in the 2013/14 Operational Plan. During the public exhibition period of the 2014/15 Operational Plan the Acting General Manager visited Menindee (27 May) and was available to meet with members of the community. It was understood that a representative of Sunset Strip would attend Menindee on that day to raise issues but that did not eventuate. Nevertheless the previous understanding of SSPA in relation to ongoing council funding assistance needs to be respected; in that regard it is proposed that council request a submission from SSPA detailing the proposed use of the \$25,000 requested for 2014/15. It is necessary that council be responsible in its’ allocation of funds and the substantiation of the proposed use of funds needs to be provided. This can then be considered by council and if necessary adjustments made to the 2014/15 budget as part of the September Quarterly Review. In addition it is proposed that SSPA make a submission by the end of**

**February each year detailing their request for funding assistance from council in the following financial year. This can then be incorporated as part of financial planning processes.**

- There is reference made to the proposed Financial Assistance Grant funds in the draft operational plan i.e. seeking separate allocations for Sunset Strip in respect to the Seniors and Community Christmas functions and not a combined allocation with Menindee. The submission also referred to an increase in the allocation of funds for maintenance of toilets at Sunset Strip and Copi Hollow. **As indicated in the submission these issues were considered at a council meeting in July 2012 with a decision to provide for a separate allocation for the community Christmas function and to increase the public toilet maintenance allocations to \$600 each; however that resolution only referred to the 2012/13 Operational Plan allocations. Given the history on these issues it is proposed that Sunset Strip be provided with a separate allocation for the community Christmas function (\$200), that the allocations for the maintenance of the Sunset Strip and Copi Hollow toilets be amended to \$600 each (an increase of \$200 in total) with this funding to be absorbed within existing budget allocations. It is not proposed that a separate allocation be made for the Seniors Christmas function at Sunset Strip (given the numbers of residents). It is also appropriate that Council review all of its' historical financial assistance grants to assess whether they are warranted and are being utilised for the purposes allocated.**
- The difference between the waste management charge for Sunset Strip and White Cliffs was raised. **The proposed Waste Management Charges for Sunset Strip and White Cliffs are \$35 and \$25 respectively. As indicated in the Operational Plan these charges are to contribute to the running and cost of replacement of the Waste depots. Based on the number of properties at each location the application of the charges above will yield a total of \$4,725 at Sunset Strip and \$4,950 at White Cliffs. Accordingly, the difference is that the fewer property owners at Sunset Strip require a payment above White Cliffs to ensure that sufficient funds are generated for current and future waste operations/ facilities. The differences in these charges have existed in previous years.**
- A request to allocate funds of \$15,000 to Sunset Strip out of the Boat Ramps Capital Project funding (of \$156,000) was requested. **As indicated in the Operational Plan documents \$117,000 of the Boat Ramp Capital funding is being provided by grants. The grant funding has been obtained for specific projects and therefore cannot be re-allocated. SSPA will be advised to liaise with council regarding potential grant funding for their projects.**
- **Paul Brown;** this submission raised issues in relation to the reporting processes of council (e.g. financial allocations, service levels, performance indicators) and mentions the focus on a balanced budget as a guiding criteria for the preparation of the 2014/15 Operational Plan. It was requested that Council document current initially considered service levels, the levels of service actually provided in 2014/15, and savings attributed to the reduction in service levels. It was suggested that this information be available to ratepayers at the end of the third quarter of 2014/15. **This submission**

raises a number of issues that are relevant to council operations/ management/ reporting (which have been mentioned in reports to council and discussions with staff by the Acting General Manager in recent months) i.e. that councils' strategic plan and delivery program documents need review, that council needs to review each of its' programs and services to understand and define what is being provided and at what cost (and to look at improved ways of delivering services), and that council needs to facilitate more engagement with its' communities. This aspect should be noted by council for future reference/ action as part of its' organizational improvement processes.

- Kathy Holmes; raises issues included in the Sunset Strip PA submission i.e. regarding \$25,000 allocation, discriminatory approach, Independent Review Panel Report. **Refer comments above relating to Sunset Strip PA submission.**
- **White Cliffs Community Members (Proponents: Richard Allen, Gaye Nicholls, Enid Black);** proposing an alternate structure for running council facilities at White Cliffs i.e. the Swimming Pool, Community Hall, Caravan Park which are currently undertaken through Section 355 Committees. The alternate structure proposed is a White Cliffs Community Development Board (W.C.C.D.B) which would be a community based incorporated non- profit association. The submission outlines a proposed structure, purpose and other processes for the W.C.C.D.B. **The submission is one that would need to be explored further with the proponents of the concept, the existing S355 Committees, and the White Cliffs community. In that regard the concept does "link" to the proposed changes to the Swimming Pool Program referred to in recent Operational Plan reports and also affiliates with the need of Council to review all its' programs and services and how they are delivered.**
- **Ann Johnson:** The submission refers to page 19 of the Draft Operational Plan which includes proposed Actions as part of Councils' Delivery Program i.e. "Maintain consistent animal control practices". The submitter expresses the view that animal control practices are not undertaken consistently (owners treated differently) and alleges differences in action taken by council in different locations of Wilcannia. Reference was also made to the possibility of trucks being involved in accidents when animals are on the road. Councils' **Delivery Program on "Page 19" also states as an action that Council will "encourage and maintain micro chipping register". The performance measure for both actions is to increase the level of registration and micro chipping of dogs. Animal and Regulatory control is a difficult area with structured processes in relation to same commencing in recent years. Staff have been encouraged to ensure the consistent application of processes in animal control and to follow established regulatory processes which will assist consistency.**
- **Karin Donaldson;** this submission raises issues relating to the state of the Wilcannia Tip, the opening hours of the tip, weed management (riverbank and Baker Park), street trees (sort removal of dead trees in various locations and encouraged more shade trees), the maintenance of community assets (footpaths/ public areas), Culture and Art (encouraged council participation in art organisations so that programs can be accessed, etc), proposed the provision of gym facilities and the establishment of a teenagers' evening club. **The matters raised in this submission relate in the main to the Delivery Program component of the documents exhibited by council. As has been indicated in reports to council in recent months the Community Strategic Plan and Delivery Program that were previously adopted by council need to be reviewed and updated. In that regard those documents were correctly prepared in a strategic context; however, due to financial constraints/ issues the ability of council to provide budget allocations to match the strategies has been limited and as a result actions that back up the strategy have not occurred. The contents of this submission are valid and can be issues that council continue to pursue when funding permits.**

- **Bill and Chris Elliott;** following is a summary of the issues raised in this submission and comments relating to same:
- Discrepancies with figures in the Income and Expenditure by Function information; **as stated in the submission these are rounding “errors” in the software program used that do not affect the overall figures.**
- Recommended that no decision on any expenditure relating to the Town Special Rate be made until 6 months into the financial year and that expenditure under this program be for a long term benefit requiring no ongoing expenditure. It was also suggested that some of the funds be used for the various cemeteries; **the Town Special Rates (as indicated in the Operational Plan) are raised “to fund town improvement projects and community activities. These funds are also designated to specific town beautification projects.” It is agreed that the use of funds should be subject to specific consideration by Council to ensure that the funds are appropriately utilised and aligned to the purpose for which they are raised. It is proposed that the Director of Shire Services prepare a report for consideration by Council on “known” projects in each town that can achieve outcomes related to the purpose of the special rates.**
- Suggested that an amount of \$4,500 (based on 4 towns @\$1,000 and Tilpa @\$500) be provided for tourist related activities such as reprinting brochures or maintain website with payment only made on invoices relating to such items. Communications between local town tourism groups were suggested to clarify how marketing is done (individually or as a group). Council was advised not to commit to Regional Tourism until clear details of membership/ structure/funding are known. It was also commented that the maintenance of town parks and public facilities are critical in increasing visitor stops/ stays. It was also suggested that any council contribution to the Long Paddock Project should be kept to a minimum as the infrastructure/ website/ brochures for that project are underway from ongoing funding. **The comments made on tourism align with the report to council by the Acting General Manager which indicates that the specific purpose for the allocation of the \$15,000 included in Councils’ budget for Area Promotion will need to be based on getting value for the funds allocated. This will include communicating with tourism stakeholders as part of decision making on the use of the Area Promotion funds.**
- Financial Assistance Grants; commented that Senior Citizens functions are not well advertised (in Wilcannia) and funding should only be provided if functions are promoted for all. Youth Week grant funding should be provided only if evidence of activity is provided. Suggested deletion of the City to Surf contribution. Also suggested that council review contributions being made. **It is agreed that council should ensure that funds provided to any community group are appropriately used and that a review of community grant funding should be undertaken. In addition it is also agreed that the \$500 allocated for the City to Surf Run need not be allocated; this can be used to offset the minor funding changes made as part of the Sunset Strip submission.**
- Hire of Council Facilities; comment made on non- charging for use of ovals/ parks/ reserves by community groups which does not ensure users leave facilities in appropriate condition after use (which requires council or residents to clean up). The use of an annual user bond was suggested. The difference between hall hiring charges across the shire area and the definitions in those charge structures were also raised. **Council currently issues Activity Approvals for those users of council facilities such as parks/ ovals, etc. It is an area of council operations that needs a review of processes to ensure that users comply with use approvals. Similarly with the hall hire charge structures some anomalies are recognised and some steps have been taken to align charges in different locations (where there are not substantial differences in the facilities available).**

- Note: Council will provide responses to the submission received in relation to the Draft Operational Plan. A total of nine submissions were received.

**4-06-14**

***That Council:***

***1. Adopt the 2014/15 Operational Plan and Budget***

***2. That in relation to the Operational Plan and Budgets, the following determinations be made :***

***In accordance with section 406 of the Local Government Act 1993,***

***Council adopt the 2014-2015 Operational Plan and budget as***

***described and amended in the body of this report.***

***In accordance with part 9, division 5, clause 211(2) of the Local***

***Government (General) Regulation 2005, Council approve expenditure***

***and vote funds as detailed in the 2014-2015 Operational Plan and***

***Budget subject to the amendments as outlined in the body of this report.***

***Submissions received in relation to the 2014-2015 Draft Operational***

***Plan and Budget be received and noted and that responses be made in***

***relation to the submissions.***

***In accordance with sections 494, 518 and 515 of the Local Government***

***Act 1993, Council make and levy the following ordinary rates for the***

***2014-2015 year as follows :***

***Residential Rate 0.078994710 cents in the dollar***

***Business Rate 0.082350590 cents in the dollar***

***Farmland Rate 0.00288915 cents in the dollar***

***Minimum Rate \$122.50***

***In accordance with the Local Government Act 1993 Council make***

*and levy the following special rates:*

*Wilcannia 0.04826900 cents in the dollar*

*Menindee 0.01337200 cents in the dollar*

*White Cliffs 0.02326900 cents in the dollar*

*Ivanhoe 0.07998700 cents in the dollar*

*Minimum Rate \$2.00*

*In accordance with sections 501 and 502 of the Local Government*

*Act 1993, Council make and impose charges for water supply services in 2014-2015 as described in the Operational Plan and Budget 2014-*

*2015*

*In accordance with sections 501 and 502 of the Local Government*

*Act 1993, Council make and impose charges for sewerage services in described in the Operational Plan and Budget 2014-*

*2015*

*In accordance with sections 496, 501 and 502 of the Local*

*Government Act 1993, Council make and impose charges for waste management services in 2014-2015 as described in the*

*Operational Plan and Budget subject to the amendments as outlined in the body of this report*

*Council make and impose the maximum charge for interest on overdue rates and charges as determined by the Minister for Local Government, in accordance with section 566(3) of the Local Government Act 1993*

*Fees and Charges for the use of services provided by the Council as detailed in the Operational Plan and Budget 2014-2015 (and as*

*amended in this report ) be adopted in accordance with section 502 of the Local Government Act 1993*

*3. Council note that the Community Strategic Plan 2013/14- 2022/23 and Delivery Program 2013/14-2017/18 incorporated in the 2014/15 Operational Plan and Budget had been previously adopted by Council in June 2013*

*4. Council place a copy of the adopted Operational Plan 2014/15 document on its' website,*

*Resolved*

#### 6.3 DELIVERY PROGRAM REVIEW

*5-06-14*

*That Council note the status of the Delivery Program as at June 2014.*

*Resolved*

#### 6.4 DELEGATIONS TO THE POSITION OF GENERAL MANAGER

*6-06-14*

*That Council approve the instrument of delegation for the position of General Manager included as an attachment with this report.*

*Resolved*

#### 6.5 COUNCIL MEETING JULY 2014

*7-06-14*

*That all Council Meetings will be held in Wilcannia for the period of Suspension of Councillors*

*Resolved*

6.6 SES – APPOINTMENT OF VOLUNTEER CONTROLLERS

**8-06-14**

***That Council support the appointment of Georgia Shephard as Volunteer Unit Controller at Menindee.***

***Resolved***

6.7 WHITE CLIFFS SOLAR POWER STATION

**9-06-14**

***That Council notifies Essential Energy that it wishes to resume processes to transfer the White Cliffs Solar Power Station to Council.***

***Further that:***

***- Council authorise the General Manager to progress the transfer of land documents and subject to concurrence by councils' solicitor (and the transfer arrangements being beneficial to council ), arrange for the completion of the transfer documents under the Common Seal of Council***

***- Discussions commence with White Cliffs community representatives relating to the use and maintenance of the "tourism" show room***

***Resolved***

6.8 COMMUNITY TRANSPORT SERVICE ARRANGEMENTS/ CONTRACT

**10-06-14**

***That Council note the status of the community transport program and endorse continuation of arrangements to retain the Ivanhoe component of the contract.***

***Resolved***

6.9 ALCOHOL FREE ZONE – MENINDEE AND IVANHOE

***11-06-14***

***That Council approve the proposal to re-establish the existing Alcohol Free Zones in Menindee and Ivanhoe for a period of four years from 1/10/2014 to 30/9/2018, including Candilla Street in Menindee. The proposed zones to include all made and maintained public roads and footpaths in the areas outlined in this report. Further that the proposals be advertised and placed on public exhibition in accordance with legislation.***

***Resolved***

6.10 MODEL REPORT ON S88 WASTE AND ENVIRONMENT LEVY OPTIONS PAPER

***12-06-14***

***That Council endorses option 3, extending the levy across the state, whilst exempting regional landfills that receive <5,000 tonnes per annum, and staff submission be prepared in accordance with this resolution.***

***Resolved***

6.11 THE NSW LIVESTOCK LOADING SCHEME (LLS)

***13-06-14***

***That the NSW Livestock Loading Scheme Report be received and noted.***

***Resolved***

6.12 RATES OUTSTANDING ANALYSIS

***14-06-14***

***That this report be received and noted.***

***Resolved***

## 6.13 RATES WRITE-OFF ASSESSMENT 1367

***15-06-14***

***That Council agree to the write-off of accrued interest in the amount of \$6,167 as set out in the body of this report***

***Resolved***

## SECTION 7. INFORMATION REPORTS

### 7.1 INFORMATION ITEMS

7.1.1 ENVIRONMENTAL SERVICES STATISTICS

7.1.2 ROAD GRADING PROGRAM

7.1.3 ROADS REPORT

7.1.5 SERVICES REPORT

7.1.6 INVESTMENTS AND BANK BALANCES

7.1.7 RATES REPORT

***16-06-14***

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

***Resolved***

### 8.0 MEDIA RELEASES

#### 8.1 CIRCULARS/NEWSLETTERS

***17-06-14***

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

***Resolved***

## SECTION 8.2 THE RECEIPT OF REPORTS FROM COMMITTEES

*18-06-14*

*That the Menindee Development Committee Meeting Minutes from Monday 2nd June 2014 be received and noted.*

*Resolved*

## SECTION 9. URGENT BUSINESS

Nil

## SECTION 10. 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.

**19-06-14**

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

***resolved***

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Council went into Closed Session of Council at 9:32am

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#### 10.1 RATES WRITE-OFF

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (a) & (b) information that relates to personal matters concerning individuals and the personal hardship of a resident/ratepayer.

**20-06-14**

***That Council agree to the write-off of accrued interest in the amount of \$5,000 as set out in the body of this report.***

***Resolved***

#### 10.2 PURCHASE OF 9 BYRNES STREET, WILCANNIA

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

**21-06-14**

***That Council agree to the purchase of 9 Byrnes Street, Wilcannia, from Government Property NSW for the amount indicated in the report, on the following basis:***

- Council agree to the conditions of purchase as set out by GPNSW, subject to clarification that the total asset management guidelines requirements will not adversely affect council use / management of the property***
- Confirmation be sought from the proposed tenant that their proposed tenancy of the property will be a minimum of twelve months with an option to extend***

***Resolved***

**22-06-14**

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

***Resolved***

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Council resumed in open session at 9:35am

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**23-06-14**

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

***Resolved***

| The resolution from Closed Council was read to the meeting.

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Council returned to open meeting of Council at 9:35am

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## **SECTION 11. DATE AND VENUE FOR NEXT MEETING**

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

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*There being no further business, Council meeting concluded at 9:37am*

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