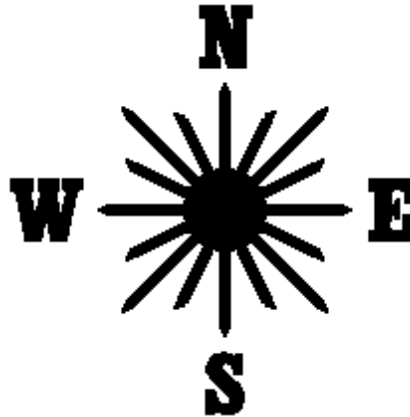


Mission Statement

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 21st May 2013

at

Darnick

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 was held in the Community Hall, Darnick on Tuesday 21st May 2013 commencing at 9:52am.

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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

Peter Sullivan

Dennis Standley

Garry Astill

Eamon Sammon

Honor Liversidge

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

Paul Gavin

Acting Finance Manager

Darren Scotti

Project Engineer

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

Nil

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

1-05-13 resolved

That the minutes of the Ordinary Meeting of the Council held on the 16th April 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

Cr Looney queried whether a Statutory Declaration had been received from RFS regarding water carted. Acting GM confirmed it had been received.

3.2 STATUS OF COUNCIL RESOLUTIONS – APRIL 2013

Cr Sullivan asked about signage for Council vehicles. MTES advised he would follow up.

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

2-05-13 resolved

That the Status of Council Resolutions be received and noted.

SECTION 4. MAYORAL MINUTES OR REPORT

6th May 2013 - Mayor and fellow Councillors attended a workshop on the 2013/14 Budget, Community Strategic Plan, 2013/14 Operational Plan Goals & Actions, Draft Knox & Downs EOI and discussion re Independent Review Panel

8th May 2013 - Mayor , Acting GM and Acting MCCS meet with Geoff Wise, to discuss and progress how best Geoff could assist Council in his capacity in engagement for DLG. This culminated from the meeting in Sydney when the Minister for Local Government the Hon Don Page offered assistance to Council at their expense for a person to assist council.

13th May 2013 - Mayor, Deputy Mayor and Acting GM attended the CDSC Bushfire Management Committee meeting in Wilcannia. Deputy Mayor Clr Sullivan was elected acting chairman in the absence of Clr Linnett who was unable to attend due to work commitments.

Mayor, Deputy Mayor and Acting GM also attended the Rescue Meeting and the LEMC meeting in Wilcannia. The LEMC meeting was chaired by the Manager of Technical & Engineering Services.

14th May 2013 - Mayor attended the Ivanhoe Health Care One public meeting to discuss proposal to refurbish existing Health Building or build a new facility.

17th May 2013 - Mayor, Manager Technical Engineering Services attended the Local Traffic Committee meeting in Menindee. The meeting was chaired by the Manager of Technical & Engineering Services Reece Wilson and Clr Astill attended in his capacity as the representative for the Member for Murray Darling John Williams and a representative from the Local Police as well as Joe Sulcich from RMS.

Clr Looney queried why all Clrs weren't invited to the recent Traffic Meeting? It was noted by other Clrs that not all Clrs are required to attend as representatives.

Clr Sullivan spoke about the recent LEMC meeting held in Wilcannia, noting two matters for follow up, these being Ivanhoe Power Supply (lengthy interruptions to supply) and the Volunteer Ambulance Driver training for White Cliffs.

Clr Astill reiterated the training for Volunteer Ambulance Drivers at White Cliffs, and queried the number of persons interested in undertaking the training.

Cr Page queried the time of the Independent Review Panel visit to Council on 28 May 2013. Acting GM to follow up.

MOTION CARRIED

MOVED CLR LONGFELLOW/CLR SULLIVAN

3-05-13 resolved

That the Mayoral Report be received and noted.

SECTION 5. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Clr Sammon declared an interest in Item 17.1

Clr Liversidge & Acting GM declared an interest in Item 8.7 associated with White Cliffs P & C.

Clr Looney declared an interest in Item 8.7 associated with Menindee CWA

Clr Linnett declared an interest in Item 8.7 associated with Kilfera Field Day

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

4-05-13 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

Council considered the threat of wet weather and the likelihood of unsealed roads from Darnick being unpassable if rain occurs. On this basis, the most urgent and pressing items from the Agenda were dealt with first.

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

5-05-13 resolved

That items 8.7, 11.4 and 17.1 are brought forward to be dealt with before the remaining agenda is dealt with.

8.7 2013/14 FINANCIAL ASSISTANCE GRANTS

Clr Liversidge and Acting GM declared an interest and left the room at 10:36am, returning at 10:42am.

Clr Standley declared an interest and left the room at 10:38am, returning at 10:42am.

Clr Astill declared an interest and left the room at 10:37am, returning at 10:39am

Clr Page declared an interest and left the room at 10:39am, returning at 10:42am

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

6-05-13 resolved

That \$13,300 of Financial Assistance Grants with additions be included with the 2013-2014 Draft Operational Plan which is to be submitted for public exhibition.

Meeting adjourned for Morning Tea at 10:41am, resuming at 11:05am

Clr Sammon left the meeting 11:26am returning at 11:28am

11.4 DRAFT OPERATIONAL PLAN AND BUDGET 2013-2014, DRAFT DELIVERY PLAN AND DRAFT COMMUNITY STRATEGIC PLAN

Considerable discussion took place regarding the 2013/14 Budget.

Clr Astill left the meeting 11:39am returning at 11:42am

Clr Page moved an amendment, Clr Standley seconded that an Extraordinary Meeting of Council be held to enable Clrs to go through the 2013/14 Budget more thoroughly. This meeting is likely to be held on Friday 23 May 2013 commencing at 9am.

MOTION CARRIED

MOVED CLR PAGE / CLR STANDLEY

7-05-13 resolved

That an Extraordinary Meeting of Council be held on Friday 24 May 2013 to go through the budget more thoroughly and adopt it.

Clr Sullivan and Clr Linnett advised they would be unavailable to attend on Friday 24 May 2013.

The Mayor called for a division

For	Against
Clr Sammon	Clr Sullivan
Clr Astill	Clr Linnett
Clr Page	Clr Longfellow
Clr Standley	Clr Liversidge
Clr Looney	

Clr Sammon left the meeting 12:03pm returning at 12.20pm

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR PAGE

8-05-13 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 12:02pm to discuss Item 17.1

17.1 WILCANNIA WATER SUPPLY & SEWERAGE AUGMENTATION – CIVIL WORKS COMPONENT

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 ASTILL /CLR STANDLEY

9-05-13 resolved

1. That Council be provided with a written statement from the NSW Office of Water confirming additional funds will be made available to Council to cover the new scope of works for this project.

2. That the NSW Office of Water indemnify Council, in writing, against any and all costs, penalties, awards for damages and /or such other losses that may be incurred as the result of legal action by any parties in relation to the tender process, selection and appointment of the successful tenderer.

3. That Resolutions 1. and 2. (as noted above) must be undertaken before the project proceeds.

4. That after Resolutions 1. and 2. (as noted above) have been carried out, Council endorse the expanded scope of works which now includes full gravity sewerage collection system for the Mallee and Warrali Aboriginal Precincts in addition to repairs to river intake structure, a new raw water main from river to WTP and new inlet works at Wilcannia sewage treatment plant

5. That after Resolutions 1. and 2. (as noted above) have been carried out, Council endorse the retendering by the NSW Office of Water of the

expanded scope of works to such of those existing tenderers as it deems appropriate.

6. That after Resolutions 1. and 2. (as noted above) have been carried out, Council agree to the request of the NSW Office of Water to accept the role of Principal in the civil works contract and authorise the Acting General Manager to endorse relevant Letter of Award of Contract to the preferred tenderer.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

10-05-13 resolved

That Council move back into Open Council.

Council resumed in open session at 12:23pm

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LIVERSIDGE

11-05-13 resolved

That all decisions passed in Closed Council be made public.

The usual order of business resumed at 12.23pm.

SECTION 8. ACTING GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

12-05-13 resolved

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

8.1 INFORMATION ITEMS

8.1.1 LOCAL GOVERNMENT INDEPENDENT REVIEW PANEL

8.1.2 LOCAL LAND SERVICES UPDATE

8.1.3 REDISTRIBUTION OF STATE ELECTORAL DISTRICTS

8.1.4 LOCAL GOVERNMENT ACTS TASKFORCES – RELEASE OF DISCUSSION PAPER

MOTION CARRIED

MOVED CLR SULLIVAN /CLR PAGE

13-05-13 resolved

That the Information Items report be received and noted.

8.2 CODE OF CONDUCT REVIEW PANEL

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

14-05-13 resolved

That the Code of Conduct Review Panel report be received and noted, and further;

That Council resolves to share Code of Conduct Review panels with Broken Hill City Council.

8.3 GUIDELINES ON THE CLOSURE OF COUNCIL AND COMMITTEE MEETINGS

MOTION CARRIED

MOVED CLR SULLIVAN /CLR PAGE

15-05-13 resolved

That the Guidelines on The Closure of Council and Committee Meetings report be received and noted.

8.4 FRUIT FLY SIGNAGE

MOTION CARRIED

MOVED CLR SULLIVAN /CLR PAGE

16-05-13 resolved

That the Fruit Fly Signage report be received and noted.

8.5 REQUEST FOR ASSISTANCE

MOTION CARRIED

MOVED CLR PAGE /CLR ASTILL

17-05-13 resolved

That the Request for Assistance report be received and noted, and further;

That Council provide financial assistance to Mid-Western Regional Council to the value of \$1000 as per the application lodged with Local Government NSW.

8.6 REQUEST OF DONATION – MENINDEE DEBUTANTE BALL

MOTION CARRIED

MOVED CLR PAGE /CLR ASTILL

18-05-13 resolved

That the Menindee Debutante Ball – Request for Funding report be received and noted, and further;

That Council contribute \$2,000 towards the Menindee Debutante Ball.

Meeting adjourned for Lunch at 12:30pm, resuming at 1:18pm

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR PAGE

19-05-13 resolved

That the Manager Technical and Engineering Services Report be dealt with.

9.1 INFORMATION ITEMS

9.1.1 GRADING PROGRAM

9.1.2 RESERVOIR RELINING PROJECT - WILCANNIA

MOTION CARRIED

MOVED CLR PAGE /CLR LINNETT

20-05-13 resolved

That the Information Items report be received and noted.

9.2 ROADS REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

21-05-13 resolved

That the Roads Report be received and noted.

9.3 SERVICES REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

22-05-13 resolved

That the Services Report be received and noted.

9.4 PROJECTS REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

23-05-13 resolved

That the Projects Report be received and noted.

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

24-05-13 resolved

That the Manager Environmental Services Report be dealt with.

10.1 INFORMATION ITEMS

The Acting GM informed Council that the funding application for the Menindee Multipurpose Centre had been successful for \$70,000 through the Regional Development Australia Fund.

10.1.1 MENINDEE BMX TRACK

10.1.2 KNOX AND DOWNS

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

25-05-13 resolved

That the Information Items report be received and noted.

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR APRIL 2013

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

26-05-13 resolved

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

10.3 NSW SWIMMING POOL REGISTER

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

27-05-13 resolved

That the NSW Swimming Pool Register report be received and noted.

10.4 NSW PLANNING WHITE PAPER

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LOONEY

28-05-13 resolved

***1. That the NSW Planning White Paper report be received and noted;
and further,***

***2. That Council prepare a response to the proposed white paper outlining
its concerns about the financial and workload impacts upon Council;***

***3. That Council supports the response being prepared by the LGSA in
response to the White Paper for planning matters pertaining to Central
Darling Shire Council.***

SECTION 11. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR LIVERSIDGE

29-05-13 resolved

That the Finance Manager's Report be dealt with.

11.1 INVESTMENTS AND BANK BALANCES

MOTION CARRIED

MOVED CLR ASTILL / CLR LOONEY

30-05-13 resolved

***That the Schedule of Investments Report for the 30th April 2013 be received
and adopted***

11.2 RATES REPORT

MOTION CARRIED

MOVED CLR ASTILL / CLR STANDLEY

31-05-13 resolved

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

11.3 ROAD NAMING

MOTION CARRIED

MOVED CLR ASTILL / CLR LOONEY

32-05-13 resolved

That Council publish notice of its intention to seek to Gazette the name Monolon Road as the name for the road running north from White Cliffs towards the Cut Line, such notice to be published no later than Tuesday 21st May 2013 and placed on Public Exhibition for a period of not less than twenty eight days; and further, that Council notify Australia Post, the Registrar General and Surveyor General and others, and that Council accept submissions on the proposed name until 5pm on Friday 28th June 2013 and a report and any submissions received be presented to Council at the July 2013 meeting.

That Council reply to the submissions regarding Tilpa-Tongo and Ivanhoe-Menindee Road, clearly setting out the reasons the submissions have been declined.

SECTION 12. CORRESPONDENCE

MOTION CARRIED

MOVED CLR LIVERSIDGE/ CLR LOONEY

33-05-13 resolved

That the Correspondence for Council be received and noted.

12.1 MEDIA RELEASES

12.2 CIRCULARS/NEWSLETTERS

SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

MOTION CARRIED

MOVED CLR STANDLEY / CLR SULLIVAN

34-05-13 resolved

That the MANEX Meeting Minutes dated Monday 15th April 2013 be received and noted.

SECTION 14. DELEGATES' REPORTS

Clr Standley attended a recent West Darling Arts meeting in Broken Hill, and provided Council with a verbal update on the meeting.

MOTION CARRIED

MOVED CLR SULLIVAN / CLR LOONEY

35-05-13 resolved

That the Delegates' reports be received and noted.

SECTION 15. QUESTIONS WITH NOTICE

Nil

SECTION 16. URGENT BUSINESS

MOTION CARRIED

MOVED CLR SULLIVAN / CLR STANDLEY

36-05-13 resolved

That the urgent business be dealt with.

The Mayor advised Council of a request he had received from a landholder at Ivanhoe seeking to connect to the town water supply for rural purposes outside the town boundary. Cr Sullivan reminded Council of the recent resolution that restricts town water connection from extending into Rural Zones (as zoned under Council's LEP). On this basis, Council rejected the request for the water connection.

Item 17.1 from the Confidential Section of the Meeting was discussed earlier due to pending wet weather and predicted road closures.

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.

SECTION 18. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 25th June 2013 in Wilcannia commencing at 9:00am.

There being no further business, Council meeting concluded at 1:58pm
