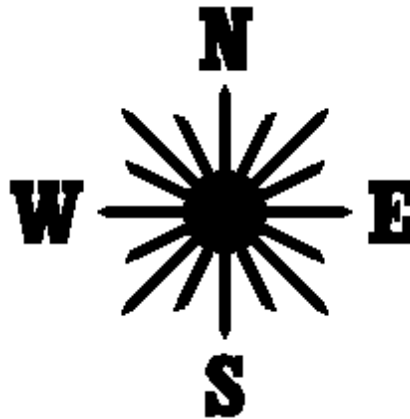


Mission Statement

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

CENTRAL DARLING



SHIRE COUNCIL

Minutes

Of the Ordinary Meeting

Tuesday 17th April 2012

at

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 above-mentioned Meeting of Council will be held in the Council Chambers, Wilcannia on Tuesday 17th April 2012 commencing at 9:04am.

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

PRESENT:

Councillors:

Ray Longfellow (Mayor)

Moya Reid (Deputy Mayor)

Paul Brown

Clive Linnett

Peter Sullivan

Lorraine Looney

Eamon Sammon

Graham Wellings

Ron Page

ALSO PRESENT:

Tim Drew

General Manager

Reece Wilson

Manager Technical and Engineering Services

Leeanne Ryan

Manager Environmental Services

Allan White

Acting Manager Corporate and Community Services

David Cuming

Acting Finance Manager

Adelaide Elliott

Executive Assistant

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

1-04-12 resolved

That the minutes of the Ordinary Meeting of the Council held on the 20th March 2012, 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

MOTION CARRIED

MOVED CLR WELLINGS/ CLR SULLIVAN

2-04-12 resolved

That the Business Arising from Minutes be received and noted.

3.2 STATUS OF COUNCIL RESOLUTIONS – MARCH 2012

SECTION 4. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Clr Looney declared an interest in the Menindee Common.

Clr Reid declared an interest in the Menindee Common.

MOTION CARRIED

MOVED CLR BROWN / CLR LINNETT

3-04-12 resolved

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

SECTION 5. MAYORAL MINUTES OR REPORT

22nd March - Mayor, Clr Sullivan, General Manager, Manager Technical and Engineering Services and Manager of Environmental Services attended a briefing meeting in Wilcannia with Bemax management Mr Ray Roberts and Mr Dominic Managanaro regarding the Bemax Sand Mining Proposal at Homebush (South of Ivanhoe) and utilising the Balranald road known as the Wool Track. The proposal is to have a loading facility at Ivanhoe and to transfer from road transport to rail in containers for shipment West for further processing. If everything goes to schedule the transporting of minerals sands will commence in 2014.

22nd March - Mayor attended a public MDBA meeting in Menindee to discuss components for inclusion in submission being prepared by Lynda Nadge from the Broken Hill RDA.

28th - 29th March Mayor attended a joint meeting of the LGA & Shires Association Executives meeting in Sydney.

4th April - Mayor, Clr Linnett attended a RFS meeting in Wilcannia.

10th April - Mayor, Deputy Mayor Clr Reid, Clr Looney, Clr Linnett, General Manager and Manager Environmental Services attended a stakeholder meeting with the Murray Darling Basin Authority representatives in Menindee. The meeting was chaired by Ms Rhonnda Dixon from the Murray Darling Basin Authority.

11th April - Mayor, General Manager and Manager Environmental Services attended a public meeting on the Murray Darling Basin Plan hosted by Council, to discuss further input to the MDA plan for inclusion in Council's submission.

MOTION CARRIED

MOVED CLR LONGFELLOW / CLR SULLIVAN

4-04-12 resolved

That the Mayoral Report be received and noted.

SECTION 6. NOTICE OF MOTIONS

Nil

SECTION 7. NOTICE OF RESCISSION MOTIONS

Nil

SECTION 8. GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR LINNETT / CLR SULLIVAN

5-04-12 resolved

That the General Manager's Report be dealt with.

8.1 INFORMATION ITEMS

8.1.1 PROMOTING BETTER PRACTICE REVIEW ACTION PLAN UPDATE

8.1.2 INTEGRATED PLANNING AND REPORTING PROGRESS REPORT

8.1.3 INQUIRY INTO INTER-REGIONAL PUBLIC TRANSPORT

8.1.4 ACELG REPORT – ROLE AND EXPECTATIONS OF RURAL-REMOTE AND INDIGENOUS LOCAL GOVERNMENT

8.1.5 REVIEW OF LOCAL GOVERNMENT ENGAGEMENT WITH THE RFS

MOTION CARRIED

MOVED CLR PAGE / CLR LINNETT

6-04-12 resolved

That option two is the preferred option of the Central Darling Shire in the review of Local Government engagement with the RFS.

8.1.6 ONE ASSOCIATION

MOTION CARRIED

MOVED CLR BROWN / CLR LOONEY

7-04-12 resolved

That Council vote against the amalgamation of the Local Government and Shires Association based on the current proposal.

8.1.7 LOCAL GOVERNMENT REVIEW PANEL

8.1.8 SHIRES ASSOCIATION UPDATE

MOTION CARRIED

MOVED CLR SULLIVAN / CLR LINNETT

8-04-12 resolved

That the Shires Association update report be received and noted.

8.1.9 GENERAL MANAGER ACTIVITY/MEETING SCHEDULE

MOTION CARRIED

MOVED CLR SULLIVAN / CLR LINNETT

9-04-12 resolved

That the Information Items report be received and noted.

8.2 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

MOTION CARRIED

MOVED CLR LINNETT/ CLR PAGE

10-04-12 resolved

1 That Council approve the attendance of the Mayor and the General Manager at the 2012 National General Assembly in Canberra from 17-20 June 2012 and that the Mayor's expenses for attendance at the meeting be reimbursed in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

- 2 *That the June 2012 Council meeting scheduled for Tuesday 19 June be deferred until Friday 29 June 2012.*
- 3 *That Council approve the submission of a joint motion to the 2012 National General Assembly from the Central Darling Shire and the City of Ryde on the topic of “Plugging the Skills Shortage in Rural Councils”.*

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR PAGE

11-04-12 resolved

That the Payment of Expenses and Provision of Facilities to Councillors policy be amended to provide for the attendance of the Mayor at all relevant meetings and conferences and the incurring of all reasonable costs to do so.

8.3 SATELLITE SUBSIDY SCHEME–DIGITAL TELEVISION TRANSITION

MOTION CARRIED

MOVED CLR BROWN / CLR SULLIVAN

12-04-12 resolved

That Council:

- 1 *Formally resolve not to upgrade its self-help television re-transmission towers to receive digital television signals.*
- 2 *Advise the Digital Switchover Taskforce that it will opt in to the Satellite Subsidy Scheme.*
- 3 *Seek grant funding for the upgrade of its self help television re transmission towers and make representation to State and Federal Governments on this issue.*

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR LINNETT/ CLR WELLINGS

13-04-12 resolved

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

9.1 INFORMATION ITEMS

9.1.1 FLOOD UPDATE

9.1.2 IVANHOE WATER SUPPLY

9.1.3 IVANHOE SPORTING GROUND

MOTION CARRIED

MOVED CLR LINNETT / CLR SULLIVAN

14-04-12 resolved

That the Information Items report be received and noted.

9.2 ROADS REPORT

MOTION CARRIED

MOVED CLR LINNETT / CLR SULLIVAN

15-04-12 resolved

That the Roads Report be received and noted.

Meeting adjourned at 10:35am, resuming at 11:02 am

9.3 SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN / CLR REID

16-04-12 resolved

That the Services Report be received and noted.

9.4 PROJECTS REPORT

MOTION CARRIED

MOVED CLR BROWN / CLR REID

17-04-12 resolved

That the Projects Report be received and noted.

9.5 WHITE CLIFFS WATER SUPPLY UPDATE REPORT

MOTION CARRIED

MOVED CLR WELLINGS / CLR BROWN

18-04-12 resolved

That Council notes the White Cliffs Water Supply Update Report.

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

MOTION CARRIED

MOVED CLR BROWN / CLR LINNETT

19-04-12 resolved

That the Manager Environmental Services Report be dealt with.

10.1 INFORMATION ITEMS

10.1.1 RSPCA HEALTHY DOG CLINIC

10.1.2 DRAFT COMPREHENSIVE LEP

10.1.3 SWIMMING POOLS

10.1.4 WASTE TO ART – COMMUNITY ART COMPETITION

10.1.5 RANGER/ANIMAL CONTROL OFFICER

10.1.6 WLALC CLEAN UP FUNDING

10.1.7 FUNDING – WHITE CLIFFS RACECOURSE

MOTION CARRIED

MOVED CLR BROWN / CLR LINNETT

20-04-12 resolved

That the Information Items report be received and noted.

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR MARCH 2012

MOTION CARRIED

MOVED CLR SULLIVAN / CLR LINNETT

21-04-12 resolved

That the Environmental Services Department Statistics for March 2012 report be received and noted.

10.3 FORMER WILCANNIA CONVENT

MOTION CARRIED

MOVED CLR SULLIVAN / CLR BROWN

22-04-12 resolved

That Council endorse the actions of the Manager Environmental Services in relation to the former Wilcannia Convent.

10.4 KNOX & DOWNS, WILCANNIA

MOTION CARRIED

MOVED CLR BROWN / CLR SULLIVAN

23-04-12 resolved

That the Knox & Downs, Wilcannia report be received and noted.

10.5 DRAFT MURRAY DARLING BASIN PLAN

MOTION CARRIED

MOVED CLR LINNETT / CLR PAGE

24-04-12 resolved

That the Draft Murray Darling Basin Plan report be received and noted.

10.6 WHITE CLIFFS SOLAR STATION

MOTION CARRIED

MOVED CLR WELLINGS / CLR REID

25-04-12 resolved

That the White Cliffs Solar Station report be received and noted.

10.7 DRAFT MENINDEE COMMON MANAGEMENT PLAN

MOTION CARRIED

MOVED CLR SULLIVAN / CLR LOONEY

26-04-12 resolved

That the Draft Menindee Common Management Plan report be received and noted;

That Council as the Trust Manager of the Menindee Common advertise the Draft Menindee Common Management Plan for a period of 28 days;

That Council as the Trust Manager of the Menindee Common consider any submissions that are received on the Draft Menindee Common Management Plan in consultation with the Department of Primary Industries and make any changes as necessary;

That the final plan be submitted to the Minister for Primary Industries for final approval after the public exhibition period and consideration of any submissions received.

10.8 2010-11 HERITAGE STRATEGY ANNUAL REPORT

MOTION CARRIED

MOVED CLR BROWN / CLR SULLIVAN

27-04-12 resolved

That the 2010-11 Heritage Strategy Annual Report be received and noted.

10.9 RAIL INFRASTRUCTURE NOISE GUIDELINE – DRAFT FOR CONSULTATION

MOTION CARRIED

MOVED CLR BROWN / CLR REID

28-04-12 resolved

That the Rail Infrastructure Noise Guideline – Draft for Consultation report be received and noted.

10.10 DRAFT EMPLOYEE HOUSING POLICY AND COSTINGS

MOTION CARRIED

MOVED CLR SULLIVAN / CLR REID

29-04-12 resolved

That the Draft Employee Housing Policy and Costing report be received and noted.

10.11 WILCANNIA WHARF PROPOSED REDEVELOPMENT

MOTION CARRIED

MOVED CLR BROWN / CLR REID

30-04-12 resolved

That the Wilcannia Wharf Proposed Redevelopment report be received and noted; and further,

That Council provides in principle support for the rebuild of the Wilcannia Wharf structure to its original state in its original location on the west side bank of the Darling River behind Uncle Ray Hunter Park.

SECTION 11. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR LINNETT

31-04-12 resolved

That the Finance Manager's Report be dealt with.

11.1 INVESTMENTS

MOTION CARRIED

MOVED CLR WELLINGS / CLR LINNETT

32-04-12 resolved

That the Schedule of Investments Report for March 2012 be received and adopted.

11.2 RATES COLLECTIONS STATEMENT

MOTION CARRIED

MOVED CLR LOONEY / CLR REID

33-04-12 resolved

That the Rates Collection Report for March 2012 be received and adopted.

11.3 2ND QUARTER BUDGET REVIEW

MOTION CARRIED

MOVED CLR LINNETT / CLR WELLINGS

34-04-12 resolved

That Council adopt the 2011/12 second quarter budget review as presented.

SECTION 12. CORRESPONDENCE

MOTION CARRIED

MOVED CLR SULLIVAN / CLR WELLINGS

35-04-12 resolved

That the Correspondence for Council be received and noted.

SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

MOTION CARRIED

MOVED CLR BROWN / CLR SULLIVAN

36-04-12 resolved

That the O H & S Committee Meeting Minutes dated 15th December 2011 be received and noted.

MOVED CLR REID / CLR LOONEY

37-04-12 resolved

That the MANEX minutes be included in the Council Agenda.

SECTION 14. DELEGATES' REPORTS

Nil

SECTION 15. QUESTIONS WITH NOTICE

MOTION CARRIED

MOVED CLR LOONEY / CLR REID

38-04-12 resolved

That the Councillors' Questions with Notice be received and noted.

15.1 CR LOONEY

1. The vertical alignment of the road MR68C was undertaken and funded by the RTA.

The Western Research Institute Ltd prepared an Economic Impact Assessment of sealing the Menindee-Pooncarie Road MR68C in August 2000, Shire had another Economic Impact of sealing the Menindee-Pooncarie Road prepared by Western Research institute printed April 2006. How Much money did it cost for these assessments.

The cost of these assessments is not known that this stage and review of Councils Financial System will be undertaken to see if these costs can be identified.

SECTION 16. URGENT BUSINESS

Nil

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 BROWN / CLR PAGE

39-04-12 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 at 11.59am.

17.1 AUDIT COMMITTEE MEMBERSHIP

MOTION CARRIED

MOVED CLR BROWN / CLR REID

40-04-12 resolved

That Council appoint Mr. Vern Hembrow and Mr. Gary Mottau as independent members to Council's Audit Committee.

17.2 MINE DEVELOPMENT PROPOSAL

Clr Longfellow left the meeting at 12.02pm for a Teleconference

Clr Reid took the Chair at 12.02pm

MOTION CARRIED

MOVED CLR BROWN / CLR SAMMON

41-04-12 resolved

That at the very least, Council's position in relation to the upgrade of the Ivanhoe-Balranald Road for a proposed mine development be that it expects a contribution to a level such that Council would not be out of pocket as a result of an upgrade to the road.

Clr Page and Clr Looney record against the motion.

Clr Page called a division, seconded Clr Looney

For	Against
Clr Linnett	Clr Reid
Clr Sullivan	Clr Looney
Clr Wellings	Clr Page
Clr Sammon	
Clr Brown	

17.3 HUMAN RESOURCE MATTERS

MOTION CARRIED

MOVED CLR SULLIVAN / CLR BROWN

42-04-12 resolved

That the Human Resources Matters report be received and noted.

Clr Wellings left the Meeting at 12:34pm returning at 12:37pm

17.4 DOMESTIC GARBAGE COLLECTION OPTIONS

Clr Page left the Meeting at 12:43pm returning at 12:47pm

Clr Sammon left the Meeting at 12:49pm returning at 12:50pm

MOTION CARRIED

MOVED CLR LINNETT/ CLR SULLIVAN

43-04-12 resolved

That,

Council endorse the proposal to continue the in house collection of domestic waste as summarised in the information presented in the report.

Approval be given for the acquisition of three new garbage compactor trucks in accordance with specifications to be prepared by the Manager Technical and Engineering Services and that funding be by way lease or other suitable financing method.

Council write to the two respondents to its EOI for domestic garbage collection thanking them for their responses and advising Council will not be pursuing the matter.

MOTION CARRIED

MOVED CLR PAGE /CLR LINNETT

44-04-12 resolved

That Council move back into Open Council.

Council resumed in open session at 12:57pm

MOTION CARRIED

MOVED CLR SULLIVAN / CLR BROWN

45-04-12 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 15th May 2012 in Darnick commencing at 9:30am.

There being no further business, Council meeting concluded 12:58pm
