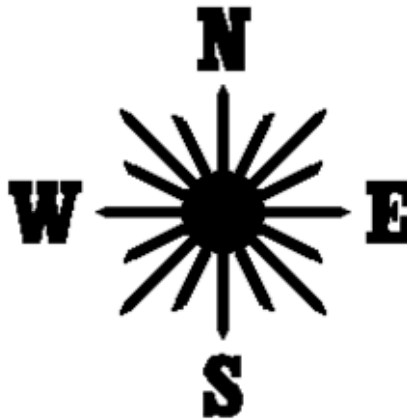


## Mission Statement

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

**9:34am Tuesday 21<sup>st</sup> August 2012**

at

**Ivanhoe**

*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 RSL, Ivanhoe on Tuesday 21<sup>st</sup> August 2011 commencing at 9:34am.

## ORDER OF BUSINESS

SECTION 1. RECEIPT OF APOLOGIES AND THE GRANTING OF LEAVE OF ABSENCE .....	5
SECTION 2. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC .....	6
SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	6
3.1 BUSINESS ARISING FROM MINUTES .....	6
3.2 STATUS OF COUNCIL RESOLUTIONS – JULY 2012 .....	6
SECTION 4. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY .....	7
SECTION 5. MAYORAL MINUTES OR REPORT .....	7
SECTION 6. NOTICE OF MOTIONS.....	8
SECTION 7. NOTICE OF RESCISSION MOTIONS .....	8
SECTION 8. GENERAL MANAGER’S REPORT.....	8
8.1 INFORMATION ITEMS .....	8
8.1.1 2012 LOCAL GOVERNMENT ELECTIONS UPDATE .....	8
8.1.2 LOCAL GOVERNMENT REVIEW PANEL.....	8
8.1.3 ONE ASSOCIATION BALLOT.....	8
8.2 CODE OF MEETING PRACTICE.....	8
8.3 SENIOR STAFF CONTRACTUAL ARRANGEMENTS.....	9
8.4 NSW STATE EMERGENCY SERVICE FUNDING ARRANGEMENTS.....	9
8.5 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION .....	9
8.6 IVANHOE COMMUNITY BUS CONTRACT .....	10
8.7 HACC SERVICES FUNDING AGREEMENT.....	10
SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT.....	10
9.1 INFORMATION ITEMS	ATTACHMENT 7..... 11
9.1.1 GRADING PROGRAM – ATTACHMENT 7 .....	11
9.1.2 2012 FLOOD DAMAGE ASSESSMENTS.....	11
9.2 ROADS REPORT .....	11
9.3 SERVICES REPORT.....	11

9.4 PROJECTS REPORT .....	11
9.5 REGIONAL ROADS REPAIR PROGRAM .....	11
SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT .....	12
10.1 INFORMATION ITEMS .....	12
10.1.1 MOBILE PHONE MUSTER .....	12
10.1.2 VICTORY PARK CARAVAN PARK, WILCANNIA .....	12
10.1.3 SUNSET STRIP WATER .....	12
10.1.4 MENINDEE BMX TRACK .....	12
10.1.5 RANGER/ ANIMAL CONTROL OFFICER – RYDE TRAINING .....	12
10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR JULY 2012 .....	13
10.3 PLANNING SYSTEM GREEN PAPER .....	13
10.4 LITTER CAMPAIGN .....	13
10.5 PRACTICE NOTE NO. 15 WATER SAFETY UPDATE .....	13
10.6 WHITE CLIFFS SWIMMING POOL .....	14
10.7 MENINDEE PLAYGROUND IMPROVEMENTS .....	14
10.8 BAKER PARK PLAYGROUND .....	14
10.9 DRAFT EMPLOYEE HOUSING POLICY .....	15
10.10 DEVELOPMENT APPLICATION – LOT 2 JOHNSTON STREET, WHITE CLIFFS .....	15
SECTION 11. FINANCE MANAGER'S REPORT .....	18
11.1 INVESTMENTS .....	18
11.2 RATES COLLECTIONS STATEMENT .....	19
11.3 DRAFT LONG TERM FINANCIAL PLAN .....	19
SECTION 12. CORRESPONDENCE .....	19
12.1 MEDIA RELEASES .....	19
12.2 CIRCULARS/NEWSLETTERS .....	19
SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES .....	20
SECTION 14. DELEGATES' REPORTS .....	20
SECTION 15. QUESTIONS WITH NOTICE .....	20
15.1 Cr REID .....	20
15.1 Cr LOONEY .....	20

SECTION 16. URGENT BUSINESS..... 21

SECTION 17. CONFIDENTIAL MEETING ..... 22

    17.1 RATES MATTER ..... 23

    17.2 PERSONNEL MATTER RELATING TO THE GENERAL MANAGER’S CONTRACT OF  
    EMPLOYMENT. .... 24

SECTION 18. DATE AND VENUE FOR NEXT MEETING ..... 25

## 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

Lorraine Looney

Eamon Sammon

Ron Page

Graham Wellings

Peter Sullivan

### **ALSO PRESENT:**

Reece Wilson

Manager Technical and Engineering Services

Leeanne Ryan

Manager Environmental Services

Paul Gavin

Accountant

Adelaide Elliott

Executive Assistant

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*Clr Linnett left the meeting at 9:54am, resuming at 9:53 am*

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***MOTION CARRIED***

***MOVED CLR REID /CLR SULLIVAN***

***1-08-12 resolved***

***That Council suspend standing orders for Citizenship Ceremony.***

---

*Standing orders suspended at 9.34am*

*For Citizenship Ceremony for Mrs Maricar Macdonald*

---

***MOTION CARRIED***

***MOVED CLR BROWN /CLR SULLIVAN***

***2-08-12 resolved***

***That Council resume standing orders.***

---

*Standing orders resumed at 9.40am*

---

**MOTION CARRIED**

**MOVED CLR BROWN /CLR SULLIVAN**

***3-08-12 resolved***

***That Council move into public access.***

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

Cree Marshall, White Cliffs addressed Council as the member of the Central Darling Arts Committee. Cree gave a brief outlining of the pending festival. The committee requested Council waiver the hall hire fees for the festival and also cover the cost of public liability insurance.

Kevin Pippin, Ivanhoe addressed Council regarding the Ivanhoe oval. The oval needs to be watered each week and the upkeep needs to be better maintained. The Oval and amenities need work.

## **SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**MOTION CARRIED**

**MOVED CLR LINNETT /CLR REID**

***4-08-12 resolved***

***That the minutes of the Ordinary Meeting of the Council held on the 17th July 2012 and the minutes of the Extraordinary Meeting of the Council held on the 6th August 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**

Nil

### **3.2 STATUS OF COUNCIL RESOLUTIONS – JULY 2012**

Clr Reid queried whether the submission for the funding for the Pooncarrie Road been completed yet.

Clr Linnett spoke about the Menindee Racecourse and the requirements for insurance purposes.

Clr Sullivan advised insurance for races is difficult and needs to cover both horses and riders not just public liability.

Clr Brown noted a quote had been received for the removal of the asbestos at Knox and Downs.

***MOTION CARRIED***

***MOVED CLR PAGE /CLR REID***

***5-08-12 resolved***

***That the Status of Council Resolutions be received and noted.***

#### **SECTION 4. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY**

Nil

#### **SECTION 5. MAYORAL MINUTES OR REPORT**

19<sup>th</sup> July-Mayor attended a meeting with the SES Area Controller.

Also on the 19th July the Mayor attended a Wilcannia Working Party meeting.

31<sup>st</sup> July-Mayor Weir Committee meeting, inspection only.

Mayor and General Manager Bemax meeting in Wilcannia.

6<sup>th</sup> August-Mayor and Councillors attended Extraordinary Council Meeting in Wilcannia.

7<sup>th</sup> August-Mayor attended the CSPC (Police) in Wilcannia.

13<sup>th</sup> August-Mayor attended the Ivanhoe Working Party Meeting.

20<sup>th</sup> August-Mayor attended the Far Western Health Board Meeting in Ivanhoe.

Mayor and Clr Linnett attended the AGM of the Ivanhoe Rural Fire Service.

One Association has been voted on by both the Local Government and Shire Association and been passed by a majority to form one Association. This process will now take approximately 12 months before elections are held for the Executive plus there is a need to draft a new constitution.

***MOTION CARRIED***

***MOVED CLR LONGFELLOW /CLR LINNETT***

***6-08-12 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 REID***

***7-08-12 resolved***

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

### 8.1 INFORMATION ITEMS

8.1.1 2012 LOCAL GOVERNMENT ELECTIONS UPDATE

8.1.2 LOCAL GOVERNMENT REVIEW PANEL

8.1.3 ONE ASSOCIATION BALLOT

***MOTION CARRIED***

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

***8-08-12 resolved***

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

### 8.2 CODE OF MEETING PRACTICE

***MOTION CARRIED***



**MOVED CLR SULLIVAN /CLR REID**

***9-08-12 resolved***

***That Council adopt the Code of Meeting Practice as presented.***

### 8.3 SENIOR STAFF CONTRACTUAL ARRANGEMENTS

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR LINNETT**

***10-08-12 resolved***

***That the senior staff contractual arrangements report be received and noted.***

### 8.4 NSW STATE EMERGENCY SERVICE FUNDING ARRANGEMENTS

Clr Brown – moved an amendment to the recommendation.

**MOTION CARRIED**

**MOVED CLR BROWN /CLR WELLINGS**

***11-08-12 resolved***

***That Council:***

- 1 Receive and note the report NSW State Emergency Service Funding Arrangements.***
- 2 Advise the NSW State Emergency Services Commissioner that it will transfer those SES Vehicles purchased by Council at market value, and those SES Vehicles not purchased by Council at nominal value.***

### 8.5 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION

**MOTION CARRIED**

**MOVED CLR LINNETT /CLR REID**

***12-08-12 resolved***

*That the Local Government Remuneration Tribunal report be received and noted, and further, that the maximum allowable amount annual fee be payable to the Councillors and Mayor.*

#### 8.6 IVANHOE COMMUNITY BUS CONTRACT

**MOTION CARRIED**

**MOVED CLR LINNETT /CLR REID**

*13-08-12 resolved*

*1 That Council delegate authority to the General Manager and Mayor to sign and execute the variation to Funding Agreement between Council and Director General of Transport for NSW for the Ivanhoe Community Transport service from 1 July 2012 until 31 January 2013.*

#### 8.7 HACC SERVICES FUNDING AGREEMENT

**MOTION CARRIED**

**MOVED CLR BROWN /CLR LOONEY**

*14-08-12 resolved*

*That Council reappraise the cross subsidy of services and negotiate with HACC for full recovery of costs for HACC Services.*

---

*Meeting adjourned at 10:33am, resuming at 10:57 am*

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## SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR LINNETT**

*15-08-12 resolved*

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

## 9.1 INFORMATION ITEMS

### 9.1.1 GRADING PROGRAM – ATTACHMENT 7

### 9.1.2 2012 FLOOD DAMAGE ASSESSMENTS

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR PAGE**

***16-08-12 resolved***

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

## 9.2 ROADS REPORT

**MOTION CARRIED**

**MOVED CLR PAGE /CLR SULLIVAN**

***17-08-12 resolved***

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

## 9.3 SERVICES REPORT

Clr Reid asked if a coat of paint on the public toilets in Menindee could be undertaken to tidy them up.

**MOTION CARRIED**

**MOVED CLR LINNETT/CLR SULLIVAN**

***18-08-12 resolved***

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

## 9.4 PROJECTS REPORT

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR REID**

***19-08-12 resolved***

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

## 9.5 REGIONAL ROADS REPAIR PROGRAM

**MOTION CARRIED**

**MOVED CLR BROWN /CLR LOONEY**

**20-08-12 resolved**

***That Council agree in principle support to take up the 50/50 offer of the Regional Roads Repair Program 2012/13.***

Clr Wellings queried the plans for the White Cliffs waste depot.

Clr Sullivan indicated the rubbish bins at the rest areas on the Barrier Highway are heavily used, is there a possibility that there can be more bins available in the rest areas.

## SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

**MOTION CARRIED**

**MOVED CLR LOONEY /CLR WELLINGS**

**21-08-12 resolved**

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

### 10.1 INFORMATION ITEMS

#### 10.1.1 MOBILE PHONE MUSTER

#### 10.1.2 VICTORY PARK CARAVAN PARK, WILCANNIA

#### 10.1.3 SUNSET STRIP WATER

#### 10.1.4 MENINDEE BMX TRACK

#### 10.1.5 RANGER/ ANIMAL CONTROL OFFICER – RYDE TRAINING

Clr Looney update on the BMX track in Menindee, she was notified that there was a possibility to source \$15,000 for funding for the track. Susan Ley office had contacted the GM in regards to this matter.

Clr Reid noted in regards to Sunset Strip, Essential Water had offered no options for the supply of potable water for Sunset Strip residents.

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR PAGE**

**22-08-12 resolved**

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

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR JULY 2012

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR REID**

**23-08-12 resolved**

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

10.3 PLANNING SYSTEM GREEN PAPER

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR REID**

**24-08-12 resolved**

***That the Planning System Green Paper report be received and noted.***

10.4 LITTER CAMPAIGN

---

*Clr Linnett left the meeting at 11:43am returning at 11:46am*

---

Councillors queried whether this project could extend to include lids on bins in parks and on streets to prevent litter blowing out, MES to investigate.

**MOTION CARRIED**

**MOVED CLR BROWN /CLR SULLIVAN**

**25-08-12 resolved**

***That the Litter Campaign report be received and noted.***

10.5 PRACTICE NOTE NO. 15 WATER SAFETY UPDATE

**MOTION CARRIED**

**MOVED CLR LINNETT /CLR SULLIVAN**

**26-08-12 resolved**

*That the Practice Note No. 15 Water Safety Update report be received and noted.*

#### 10.6 WHITE CLIFFS SWIMMING POOL

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR REID**

*27-08-12 resolved*

*That White Cliffs Swimming Pool report be received and noted*

#### 10.7 MENINDEE PLAYGROUND IMPROVEMENTS

**MOTION CARRIED**

**MOVED CLR LOONEY /CLR REID**

*28-08-12 resolved*

*That the Menindee Playground Improvements report be received and noted, and further;*

*That Council provide in principle support for the proposed improvements and that the proposal be advertised for 28 days to seek comments from the Menindee Community.*

#### 10.8 BAKER PARK PLAYGROUND

Clr Sammon requested the designs selected by local school children be reported back to the Council at the September meeting.

**MOTION CARRIED**

**MOVED CLR REID /CLR BROWN**

*29-08-12 resolved*

*That the Baker Park playground report be received and noted, and further;*

*That Council undertake consultation with local school children on the design of the playground, and*

*That the Wilcannia community be invited to comment on the proposal for a 28 day period with any submissions being reported back to Council.*

10.9 DRAFT EMPLOYEE HOUSING POLICY

*Clr Reid left the meeting at 12:00 noon returning at 12:03pm*

Councillors raised a number of concerns with the Draft Employee Housing Policy and requested changes to the document.

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR BROWN**

*30-08-12 resolved*

*That amendments be made to the Draft Employee Housing Policy and that the Draft Policy be returned to the September Council Meeting.*

10.10 DEVELOPMENT APPLICATION – LOT 2 JOHNSTON STREET, WHITE CLIFFS

**MOTION CARRIED**

**MOVED CLR WELLINGS /CLR BROWN**

*31-08-12 resolved*

*That Local Development Application DA 07/12 at Lot 2 Johnston Street, White Cliffs being Lot 2 DP449963, be approved subject to the following draft conditions;*

The Mayor called for a Division:

Upon dividing, the members voting accordingly:

<b>For</b>	<b>Against</b>
Clr Longfellow	Nil
Clr Reid	
Clr Wellings	
Clr Sammon	

Clr Linnett	
Clr Page	
Clr Looney	
Clr Brown	

1. The conditions of this Development Consent issued under the Environmental Planning and Assessment Act 1979, are to be complied with. These conditions are attached to this approval and must be given to the builder and contractors to ensure this development is carried out as per the approval given.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and compliance with the development consent).*

2. Two days before any site work, building work or demolitions begins, the applicant must forward the “notice of commencement and appointment of Principal Certifying Authority” form to Council; and notify adjoining owners that the work will commence.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*

3. Before any site works, building or demolition is started, the applicant or builder must notify council of the name, address, phone number and license number of the builder; erect a sign at the front of the property with the builder’s name license number, site address and consent number; provide a temporary on site toilet; protect and support any neighbouring building; protect any public place from obstruction or inconvenience of the carrying out of the consent; prevent any substance from falling onto a public place.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*

4. Install runoff and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows: divert uncontaminated runoff around cleared or disturbed areas; erect a silt fence to prevent debris escaping into drainage systems or waterways; prevent tracking of sediment by vehicle onto roads; stockpile, excavated material, construction and landscaping supplies and debris within the site.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*

5. Removal or disturbance of vegetation and topsoil must be confined to within 3 metres of the approved building area.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*

6. The land surrounding any structure must be graded to divert surface water to the street and clear of existing and proposed structures and adjoining premises.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*



7. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any pollution discharge.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*

8. The owner, developer or builder shall be responsible for repairing any damage resulting to Councils infrastructure, land or assets in the vicinity of the subject site as a result of construction works, deliveries to the site or processes carried out with the site development.

*(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).*

9. The owner, developer or builder must consult with the local electricity authority to ensure clearances to overhead powerlines are maintained, and underground power-cables are located.

*(Reason: To ensure safety from overhead powerlines and limit disturbance of underground cables.)*

10. The vehicular crossing to the kerb and guttering and access to the allotment is to be constructed in accordance with the requirements of the Director of Engineering. The applicant is required to contact Councils engineers prior to any work commencing.

*(Reason: To ensure design and installation is adequate for vehicular and pedestrian traffic).*

11. The contractor must take all necessary precautions before and during demolition works strictly in accordance with AS 2601 'Demolition of Structures'.

*(Reason: To ensure compliance with relevant Australian Standards).*

12. Prior to works commencing the demolition contractor shall carry out an investigation of the building and site and advise the Council of any matters relating to hazardous materials, interference of services or other matters which may influence the proposed demolition procedures.

*(Reason: To ensure any dangers are identified before works proceed)*

13. The site shall be fully fenced off at the allotment boundaries to prevent unauthorized and unobstructed public access to the addressed allotment.

*(Reason: To ensure public safety)*

14. All electrical cables and the like shall be disconnected prior to the commencement of demolition works.

*(Reason: To isolate electricity supply from the building)*

15. Unless otherwise approved, demolition works shall commence at the roof and be executed storey by storey working downwards.

*(Reason: To prevent unnecessary collapse and protect contractors)*

16. Notices displaying 'Danger Demolition Works In Progress' or similar are to be fixed to the site.

*(Reason: To notify public of demolition for safety reasons)*

17. No wall, chimney or other similar structure shall be left unsupported in such a dangerous condition it may collapse due to wind or vibrations.

*(Reason: To ensure public safety)*

18. All asbestos on site shall be removed by an accredited asbestos removalist registered with the Workcover.

*(Reason: To ensure OH&S requirements are met)*

19. Dust creating material, unless thoroughly dampened shall not be thrown or dropped from the building but shall be lowered by hoisting apparatus.

*(Reason: To limit undue dust pollution)*

20. Buildings located close to allotment boundaries are to be reduced by hand. The demolisher must not carry out any works on, over or in the air space of an adjoining property without the prior approval of Council.

*(Reason: To prevent impacts on adjoining properties)*

21. Upon completion of the work notification shall be given to the relevant building surveyor for a final inspection.

*(Reason: To ensure conditions of consent have been met)*

22. All demolished materials shall be removed from the site. All hazardous materials to be disposed of in a proper and safe manner according to relevant legislation. Materials acceptable for placement at Council's Waste depot must be done in a satisfactory manner with material segregated into recyclable waste lines where able, with asbestos disposed of as per Workcover requirements.

*(Reason: To ensure correct disposal of demolished materials)*

## SECTION 11. FINANCE MANAGER'S REPORT

### ***MOTION CARRIED***

### ***MOVED CLR SULLIVAN /CLR WELLINGS***

### ***32-08-12 resolved***

### ***That the Finance Managers Report be dealt with.***

## 11.1 INVESTMENTS

### ***MOTION CARRIED***

### ***MOVED CLR BROWN /CLR SULLIVAN***

***33-08-12 resolved***

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

#### 11.2 RATES COLLECTIONS STATEMENT

***MOTION CARRIED***

***MOVED CLR SULLIVAN /CLR REID***

***34-08-12 resolved***

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

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*Meeting adjourned at 12:29pm, resuming at 1:25pm*

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#### 11.3 DRAFT LONG TERM FINANCIAL PLAN

***MOTION CARRIED***

***MOVED CLR BROWN /CLR SULLIVAN***

***35-08-12 resolved***

***That Council adopts the Draft Long Term Financial Plan for the 10 year period 1 July 2012 to 30 June 2022 for the purposes of a 28 day public consultation period.***

### SECTION 12. CORRESPONDENCE

***MOTION CARRIED***

***MOVED CLR PAGE /CLR WELLINGS***

***36-08-12 resolved***

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

#### 12.1 MEDIA RELEASES

#### 12.2 CIRCULARS/NEWSLETTERS

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*Clr Longfellow left the chair at 1:59pm Clr Reid took the chair.*

---

*Clr Longfellow returned to the chair at 2:00pm.*

*Clr Sammon left the meeting at 2:05pm returning 2:08pm.*

## SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

Nil

## SECTION 14. DELEGATES' REPORTS

Nil

## SECTION 15. QUESTIONS WITH NOTICE

### ***MOTION CARRIED***

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

### ***37-08-12 resolved***

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

### 15.1 CR REID

#### **1. At the recent Councillor information Session the General Why was the GM in attendance, was the Consultant employed by the Electoral or by the GM?**

The General Manager was in attendance as he was driving the consultant around the Shire in order for the consultant to be able to conduct the sessions. The General Manager was also in attendance in order to respond to any queries specific to the Central Darling Shire Council that the consultant may not have been able to answer

#### **2. Was the accommodation and meals for the GM inclusive of the fee Council paid to the Electoral Commission, for the running of this Election.**

The candidate information sessions were organised by the Shire and the consultant was sourced by the General Manager.

As the sessions were organised by Council, the cost of meals and accommodation for the General Manager were paid by Council.

### 15.1 CR LOONEY

**1. When will Irrigation Road be sealed, what level to the road going to be lifted. How much will this cost.**

Irrigation Rd is not on the 5 year program for any sealing works to be carried out. Staff are looking at maintaining the assets we have in accordance with the transport asset management plan. The road will be lifted up to 330mm at the lowest point. Estimated cost for formation and capping works is \$33,000

**2. Has Shire approached Susan Ley to determine a source of funding for the proposed BMX bike track at Menindee.**

**3. In Menindee Street, opposite Albermarle Hotel there are several slabs of footpath missing. My concern is safety, it is badly fenced, being near the Hotel & Youth Center, is Shire responsible should an accident occur.**

The footpath is a Council asset which we are responsible for. If an accident were to occur on any footpath Council could be found liable. The section of footpath in question is programmed for repairs in August.

**4. Residents were told they would receive letters answering questions raised at Menindee Shire Meeting. Bob Looney would like an answer to his questions please.**

| MTES taken on notice and will report back to the next Council meeting.

## SECTION 16. URGENT BUSINESS

***MOTION CARRIED***

***MOVED CLR BROWN /CLR LINNETT***

***38-08-12 resolved***

***That the Council deal with Urgent Business.***

| The Central Darling Arts Festival has requested that the Hall Hire for the White Cliffs Hall be waived and that the Council cover their public liability insurance requirements.

***MOTION CARRIED***

***MOVED CLR BROWN /CLR WELLINGS***

***39-08-12 resolved***

***That Council advise the committee that if they were to submit a application under Council's Financial Assistance Grant Program for the Arts Festival it would be considered and placed on public exhibition for 28 days, with a further report to Council in September.***

## 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 an 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 REID/CLR LOONEY***

***40-08-12 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.***

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Council moved into closed session at 2:22pm

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#### **17.1 RATES MATTER**

Council will determine this matter in part of the meeting closed to the public pursuant to Sub-Sections 10A (1) & 10A (2) (a) being information that discloses personnel matters concerning particular individuals other than Councillors.

***MOTION CARRIED***

***MOVED CLR WELLINGS /CLR REID***

***41-08-12 resolved***

*That this report be received and noted.*

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All staff left the meeting at 2:24 pm

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**17.2 PERSONNEL MATTER RELATING TO THE GENERAL MANAGER'S CONTRACT OF EMPLOYMENT.**

Council will determine this matter in part of the meeting closed to the public pursuant to Sub-Sections 10A (1) & 10A (2) (a) being information that discloses personnel matters concerning particular individuals other than Councillors.

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR LOONEY**

*42-08-12 resolved*

*That Council endorse the action submitted by the Mayor regarding the negotiations between the General Manager and the LGSA.*

**MOTION CARRIED**

**MOVED CLR LINNETT /CLR WELLINGS**

*43-08-12 resolved*

*That Mrs Leeanne Edith Ryan be appointed as the Councils Acting General Manager, whilst the General Manager is on approved leave, such person to remain as the Councils Acting General Manager and further ratification for extension of period by the incoming Council.*

**MOTION CARRIED**

**MOVED CLR SULLIVAN /CLR BROWN**

*44-08-12 resolved*

*That Council move back into Open Council.*

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Council resumed in open session at 3:15 pm

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**MOTION CARRIED**

**MOVED CLR SULLIVAN / CLR BROWN**

*45-08-12 resolved*



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

**SECTION 18. DATE AND VENUE FOR NEXT MEETING**

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*The next meeting of Council will be held on the 25<sup>th</sup> September 2012 in Wilcannia commencing at 9:00am.*

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*There being no further business Council meeting closed at 3:30pm*

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