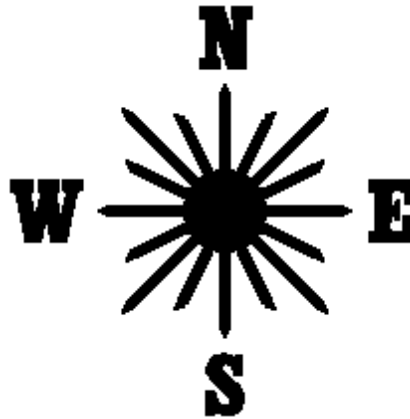


Mission Statement

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 21st February 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 was held in the Council Chambers, Wilcannia on Tuesday 21st February 2012 commencing at 9:05am.

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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

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 BROWN

1-02-12 resolved

That the minutes of the Ordinary Meeting of the Council held on the 24th January 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

Clr Sullivan requested clarification about the chairperson on Wilcannia Weir Committee.

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR WELLINGS

2-02-12 resolved

That the Business Arising from Minutes be noted.

3.2 STATUS OF COUNCIL RESOLUTIONS – JANUARY 2012

MOTION CARRIED

MOVED CLR LINNETT/ CLR SULLIVAN

3-02-12 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

7th February - Mayor attended the official launch of the Wilcannia Aboriginal Adult Literacy Campaign

9th February - Mayor attended a luncheon at the Wilcannia Hospital for the Hon Jillian Skinner, Minister for Health. Welcomed the Minister and her entourage on behalf of the Council.

11th February - Mayor was contacted by Justin McClure regarding the levee bank that surrounds Tilpa. Justin expressed his concerns that there was a possibility that because of earth movement and rabbit warrens the bank could breach with the expected flooding in a couple of weeks.

14th February - Mayor travelled to Menindee to inspect Yampoola Creek crossing on the Pooncarie Road with Deputy Mayor Reid. Took the opportunity to check other sites in and around Menindee that were either flooded or likely to flood in the near future.

16th February – Mayor attended the Community Working Party Meeting in Wilcannia.

17th February – Deputy Mayor Moya Reid & Councillor Paul Brown, Adviser to the Minister for Emergency Services visit to Wilcannia.

Mayor advised Council that he signed off on a letter in principle support for the RFDS to seek funding to construct a house in Menindee for residents trainee/Doctor in the town. The RFDS has been supported in its efforts by Maari Ma Health Service and Western Area Health to erect the building on vacant land adjacent to the Menindee Health Service.

The Mayor recommended a discussion in Urgent Business take place on the Knox & Downs site and the progression with the General Manager's Performance Agreement.

SECTION 6. NOTICE OF MOTIONS

Nil

SECTION 7. NOTICE OF RESCISSION MOTIONS

Nil

SECTION 8. GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SAMMON/ CLR REID

4-02-12 resolved

That the General Manager's Report be dealt with.

8.1 INFORMATION ITEMS

8.1.1 2012 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – CALL FOR MOTIONS

MOTION CARRIED

MOVED CLR REID/ CLR LINNETT

5-02-12 resolved

That the 2012 National General Assembly of Local Government – Call for Motions report be received and noted.

8.1.2 PROMOTING BETTER PRACTICE REVIEW ACTION PLAN UPDATE

8.1.3 INTEGRATED PLANNING AND REPORTING PROGRESS REPORT

MOTION CARRIED

MOVED CLR BROWN/ CLR REID

6-02-12 resolved

That the Intergrated Planning and Reporting Progress report be received and noted.

8.1.4 PENDING REPORTS

8.1.5 GENERAL MANAGER ACTIVITY/MEETING SCHEDULE

MOTION CARRIED

MOVED CLR PAGE/ CLR SULLIVAN

7-02-12 resolved

That the Information Items report be received and noted.

8.2 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

MOTION CARRIED

MOVED CLR PAGE/ CLR REID

8-02-12 resolved

That Council commit to contributing \$8,930.98 from 2012/13 – 2014/15 to the campaign for the Constitutional recognition of local government.

8.3 2012/13 FINANCIAL CONTRIBUTION – RURAL FIRE SERVICE

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR LINNETT

9-02-12 resolved

That Council commit to contributing approximately \$119,160 to the Rural Fire Fighting Fund for the 2012/13 financial year, in accordance with the RFFF bid.

8.4 2012 COUNCIL MEETING SCHEDULE

MOTION CARRIED

MOVED CLR LINNETT/ CLR SULLIVAN

10-02-12 resolved

That the March 2012 Council meeting be moved from Tilpa to Wilcannia due to the flooding of the Darling River.

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR REID/ CLR LINNETT

11-02-12 resolved

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

9.1 INFORMATION ITEMS

Clr Linnett left the meeting at 10:17am, returning at 10:19am

9.1.1 FLOOD UPDATE

MOTION CARRIED

MOVED CLR PAGE/ CLR SULLIVAN

12-02-12 resolved

That the Information Items report be received and noted.

9.2 ROADS REPORT

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR LINNETT

13-02-12 resolved

That the Roads Report be received and noted.

9.3 SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR WELLINGS

14-02-12 resolved

That the Services Report be dealt with.

MOTION CARRIED

MOVED CLR LOONEY/ CLR LINNETT

15-02-12 resolved

That the Services Report be received and noted.

Meeting adjourned at 10:41am, resuming at 11:06am

9.4 PROJECTS REPORT

Clr Sammon left the meeting at 11.04am

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR WELLINGS

16-02-12 resolved

That the Projects Report be dealt with.

MOTION CARRIED

MOVED CLR BROWN/ CLR LOONEY

17-02-12 resolved

That the Projects Report be received and noted.

9.5 WHITE CLIFFS WATER SUPPLY – GLENHOPE AGREEMENT

MOTION CARRIED

MOVED CLR BROWN/ CLR WELLINGS

18-02-12 resolved

That the White Cliffs Water Supply – Glen Hope matter be dealt with.

Clr Sammon returned to the Meeting at 11.08am

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR BROWN

19-02-12 resolved

That the item be held over until urgent legal advice is sought regarding the original agreement.

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

Nil

SECTION 11. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR PAGE / CLR REID

20-02-12 resolved

That the Finance Managers Report be dealt with.

11.1 INVESTMENTS

MOTION CARRIED

MOVED CLR WELLINGS/ CLR SAMMON

21-02-12 resolved

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

11.2 RATES COLLECTION STATEMENT

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR BROWN

22-02-12 resolved

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

SECTION 12. CORRESPONDENCE

MOTION CARRIED

MOVED CLR WELLINGS CLR LINNETT

23-02-12 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

Nil

SECTION 14. DELEGATES' REPORTS

MOTION CARRIED

MOVED CLR LINNETT/ CLR REID

24-02-12 resolved

That the Delegates' reports be received and noted.

SECTION 15. QUESTIONS WITH NOTICE

MOTION CARRIED

MOVED CLR LINNETT/ CLR BROWN

25-02-12 resolved

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

SECTION 16. URGENT BUSINESS

General Manager's KPIs

Knox and Downs Building

MOTION CARRIED

MOVED CLR BROWN/ CLR REID

26-02-12 resolved

That the General Manager, as a matter of urgency, make contact with hazardous material consultant and arrange an assessment of the level and presence of asbestos on the Knox and Downs site and the location of the asbestos.

16.1 MINISTERIAL TASKFORCE ON ABORIGINAL AFFAIRS

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR LINNETT

27-02-12 resolved

That Council approve the attendance of Crs. Brown, Looney, Longfellow, Reid and Page at the Ministerial Taskforce on Aboriginal Affairs in Broken Hill on Friday 24 February 2012 and that Councillor expenses for attendance at the meeting be reimbursed in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

16.1A NSW 2021 COMMUNITY MEETING

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR BROWN

28-02-12 resolved

That Council approve the attendance of Crs. Brown, Reid and Page at the NSW 2021 Community Meeting at Broken Hill on Tuesday 28th February 2012 and that Councillor expenses for attendance at the meeting be reimbursed in accordance with the Payment of Expenses and Provision of Facilities to Councillors policy.

16.2 POLICY DEVELOPMENT

MOTION CARRIED

MOVED CLR PAGE/ CLR BROWN

29-02-12 resolved

That Council adopt the following policies for the purposes of public consultation:

- *Fraud and Corruption Prevention*

- *Human Resources Management*
- *Risk Management*
- *Secondary Employment*
- *Disposal and Sale of Assets*

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 PAGE/ CLR LINNETT

30-02-12 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 moved into closed session at 12:08pm

17.1 DOMESTIC GARBAGE COLLECTION – EXPRESSIONS OF INTEREST

MOTION CARRIED

MOVED CLR BROWN/ CLR LINNETT

31-02-12 resolved

That Council note the Expressions of Interest (EOI) received with respect to contracting out domestic garbage collection for Wilcannia, Ivanhoe and Menindee and request that staff resubmit this report with comprehensive cost analysis to the March Council Meeting.

17.2 INCIDENT POWER CABLE SEVERANCE, WHITE CLIFFS

MOTION CARRIED

MOVED CLR WELLINGS/ CLR REID

32-02-12 resolved

That Council receive and note the report Incident Power Cable Severance, White Cliffs.

MOTION CARRIED

MOVED CLR BROWN/CLR SULLIVAN

33-02-12 resolved

That Council move back into Open Council.

Council resumed in open session at 12:15pm.

MOTION CARRIED

MOVED CLR SULLIVAN / CLR BROWN

34-02-12 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 20th March 2012 in Wilcannia commencing at 9:00am.

There being no further business, Council meeting concluded 12:20pm
